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Rebecca McDowell Cook

**Secretary of State**

# MISSOURI REGISTER

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Sept. 1, 1999	Oct. 1, 1999	-	Nov. 30, 1999
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Oct. 1, 1999	Nov. 1, 1999	Nov. 30, 1999	Dec. 30, 1999
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April 14, 2000	May 15, 2000	May 31, 2000	June 30, 2000

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule.

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**RULES**—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 24, *Missouri Register*, page 27. The approved short form of citation is 24 MoReg 27.

The rules are cited in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (I). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

**RSMo**—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.

**R**ules appearing under this heading are filed under the authority granted by section 536.025, RSMo Supp. 1998. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

**R**ules filed as emergency rules may be effective not less than ten days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

**A**ll emergency rules must state the period during which they are in effect, and in no case can they be in effect more than 180 calendar days or 30 legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

## Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

### Division 60—Missouri Commission on Human Rights Chapter 3—Guidelines and Interpretation of Employment Anti-Discrimination Laws

#### EMERGENCY AMENDMENT

**8 CSR 60-3.040 Employment Practices Related to Men and Women.** The Missouri Commission on Human Rights proposes to amend subsection (B) and (C) of section (17) of this rule.

*PURPOSE:* This amendment deletes language that creates strict liability on the part of the employer for supervisor harassment and replaces it with language that adopts federal case law and Equal Employment Opportunity Commission Guidelines for Sexual Harassment.

*EMERGENCY STATEMENT:* This emergency amendment is necessary to provide consistency with federal case law and EEOC Guidelines. Failure to implement this Emergency Amendment would require employers to be strictly liable for supervisor sexual harassment regardless of any effort to prevent and eliminate that harassment. The current regulation is outdated and at least twenty years old. The current regulation which was upheld by a Missouri court, would create a disincentive for preventing sexual harassment. The emergency regulation would allow employers to

continue following the federal standard that encourages employers to prevent sexual harassment. For these reasons, the commission finds there is an immediate danger to public health, safety or welfare. The scope of this rule is limited to the circumstance creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. Therefore, the commission believes this Emergency Amendment to be fair to all interested persons under the circumstances. Emergency Amendment filed September 17, 1999, effective September 27, 1999, expires March 24, 2000.

(17) Harassment on the basis of sex is a violation of Chapter 213, RSMo.

(A) Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when—

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or

3. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

(B) In determining whether alleged conduct constitutes sexual harassment, the commission will look at the record as a whole and at the totality of the circumstances, such as the nature of the sexual advances and the context in which the alleged incidents occurred. The determination of the legality of a particular action will be made by **applying relevant federal case law and Equal Employment Opportunity Commission Guidelines** and from the facts, on a case-by-case basis.

(C) *[Applying general principles of Chapter 213, RSMo, an employer, employment agency, joint apprenticeship committee or labor organization (hereinafter collectively referred to as employer) is responsible for its acts and those of its agents and supervisory employees with respect to sexual harassment regardless of whether the specific acts complained of were authorized or even forbidden by the employer and regardless of whether the employer knew or should have known of their occurrence.]* The commission will examine the circumstances of the particular employment relationship and the job functions performed by the individual in determining whether an individual acts in either a supervisory or agency capacity.

*AUTHORITY:* sections 213.030(6) and 213.075.3, RSMo [1986] Supp. 1998. This rule was previously filed as 4 CSR 180-3.040. Original rule filed Oct. 31, 1973, effective Nov. 10, 1973. Amended: Filed July 1, 1980, effective Nov. 13, 1980. Emergency amendment filed Sept. 17, 1999, effective Sept. 27, 1999, expires March 24, 2000. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

## Title 10—DEPARTMENT OF NATURAL RESOURCES Division 60—Public Drinking Water Program Chapter 3—Permits

#### EMERGENCY AMENDMENT

**10 CSR 60-3.010 Construction Authorization, Final Approval of Construction, Owner-Supervised Program and Permit to Dispense Water.** The commission is amending sections (1)–(3).

**EMERGENCY STATEMENT:** *This amendment is necessary in order for the state of Missouri to meet the provisions of section 1420(a) of the Safe Drinking Water Act. This amendment requires compliance with the continuing operating authority and technical, managerial and financial emergency rules in 10 CSR 60-3 published in this issue of the Missouri Register, for the purpose of providing the state of Missouri the means to ensure that all new community water systems and new non-transient non-community water systems commencing operation after October 1, 1999, demonstrate technical, managerial, and financial capacity with respect to each national primary drinking water regulation in effect, or likely to be in effect, on the date of commencement of operations. If the state does not meet the requirements of section 1420(a) of the Safe Drinking Water Act, the state will receive only 80% of the funds it is entitled to receive, under section 1452, related to the State Revolving Loan Fund. If the deadline is missed, Missouri's share of the withheld federal funds will be reallocated to other states which have met this requirement. This rule is necessary to preserve a compelling governmental interest and protects the public health and safety of Missouri citizens.*

To assure fairness, drafts of this amendment have been distributed to and commented on by the Safe Drinking Water Commission, industry associations and persons requesting an opportunity to comment. This temporary emergency amendment will be replaced with a permanent amendment promulgated through the regular rulemaking process, including a public hearing and comment period. The proposed amendment was published in the August 2, 1999 Missouri Register.

The scope of the amendment is limited to the circumstances requiring emergency procedures. The procedure followed complies with the Missouri and United States Constitutions.

Emergency amendment filed September 20, 1999, effective September 30, 1999, expires March 27, 2000.

**PURPOSE:** *This emergency amendment requires compliance with the continuing operating authority and technical, managerial and financial emergency rules promulgated in this issue of the Missouri Register.*

#### (1) Community Water System Requirements.

(A) A supplier of water which operates a community water system must obtain written authorization from the department prior to construction, alteration or extension of any community water system, unless the project will be constructed under the provisions of 10 CSR 60-10.010(2)(C)2., and, **for community water systems commencing operation after October 1, 1999, must comply with the requirements of 10 CSR 60-3.020 and 10 CSR 60-3.030.**

1. Two (2) copies of predesign studies pertaining to the project must be submitted to the department before plans and specifications for new water systems or for significant changes to existing water systems are reviewed for approval.

2. Construction authorization shall be requested by submitting written application and two (2) copies of the plans and specifications, as outlined in 10 CSR 60-10.010(2), for the proposed project to the department for review and approval.

3. Preparation of engineering reports, plans and specifications for community water systems and inspection of construction for the purpose of assuring compliance with drawings and specifications must be done by an engineer as defined by 10 CSR 60-2.015 (2)(E)2.

4. A construction authorization shall be valid for a period of two (2) years from the date of authorization. If construction is not commenced within two (2) years from the date of authorization, a new construction authorization must be obtained from the department.

(B) Final construction approval must be obtained from the department for all projects for which approval is required before

that project is placed into service. A supplier of water which operates a community water system need not obtain construction approval for projects constructed under the provisions of 10 CSR 60-10.010(2)(C)2.

(C) A supplier of water which operates a community water system may establish a supervised construction program as specified in 10 CSR 60-10.010(2)(C)2.

(D) Except as *[outlined]* **exempted** in *[paragraph (1)(E)5./subsection (3)(A)]* of this rule, no water may be dispensed or be made available to the public by any person without first applying for **in writing** and receiving a permit to dispense water.

*[(E)]* The department shall issue permits to dispense water **to community water systems** under the following terms and conditions:

1. A supplier of water *[which]* establish/es/ing a new community *[public water supply]* **water system must**, in order to obtain a permit to dispense water *[must]*—

A. Comply with the requirements of 10 CSR 60-10.010;

B. Present evidence of the ability to produce water meeting applicable maximum contaminant levels;

C. Present evidence of reliable water system operation, consistent with the type of treatment and the degree of automatic control provided; *[and]*

D. Complete an emergency operating plan as described in 10 CSR 60-12.010; and

E. **For community water systems commencing operation after October 1, 1999, provide proof of continuing operating authority as set forth under 10 CSR 60-3.020 and meet the technical, managerial and financial capacity requirements of 10 CSR 60-3.030; and**

2. *[A supplier of water which operates an existing community water supply holding a valid permit to dispense water at the time these regulations become effective and meeting the Missouri drinking water regulations will be issued a new permit to dispense water;*

3. *[A supplier of water which operates an existing community water supply not holding a valid permit to dispense water is operating in violation of the Missouri drinking water statutes and regulations and must apply to the department in writing for a permit. Water suppliers in this category must—*

A. Present evidence to the department of the ability to produce water meeting applicable maximum contaminant levels;

B. Present evidence of reliable water system operation, consistent with the type of treatment and the degree of automatic control provided;

C. Submit, in duplicate, certified plans and specifications describing the water source, any treatment facilities and the distribution system to the department. Certification must be either by the engineer preparing the information or if prepared by the owner, be a properly notarized affidavit;

D. Provide disinfection with an effective contact time for wells used as a source of supply which were constructed prior to October 1, 1979, and which do not meet community water system construction criteria or where construction cannot be verified by the owner; and

E. Complete an emergency operating plan as described in 10 CSR 60-12.010/;

4. *Water systems serving subdivisions as defined in 10 CSR 60-2.015 (2)(S)8. are public water supplies and must have a permit to dispense water; and*

5. *A water supply meeting all the following conditions is not considered a public water supply and as such, is not required to have a permit if that water supply—*

A. *Consists only of distribution and storage facilities;*

B. *Obtains all of its water from, but is not owned or operated by a public water system to which the regulations apply;*

*C. Does not sell water to any person; and*

*D. Is not a carrier which conveys passengers in interstate commerce[.]*

(2) Noncommunity Water System Requirements.

(A) A supplier of water which operates a noncommunity *[public water supply]* water system must apply in writing to the department for a permit to dispense water to the public. Noncommunity public water *[supply]* systems must present evidence to the department of—

1. *[To the department of t]* The ability to produce water meeting applicable maximum contaminant levels; *[and]*

2. *[Of r]* Reliable water system operation, consistent with the type of treatment and the degree of automatic control provided*[.]*; and

3. For nontransient noncommunity water systems commencing operation after October 1, 1999, continuing operating authority meeting the requirements of 10 CSR 60-3.020 and technical, managerial and financial capacity meeting the requirements of 10 CSR 60-3.030.

(B) Each noncommunity supplier of water must notify the department, in advance, of the intent to construct a new or expand an existing water system.

1. *[W]* Noncommunity water *[supplies]* systems utilizing surface or ground water under the direct influence of surface water and nontransient noncommunity water systems must obtain written authorization from the department prior to construction, alteration or extension of the system*[, unless the project will be constructed under the provisions of 10 CSR 60-10.010(2)(C)2] and must comply with 10 CSR 60-3.020 and 10 CSR 60-3.030.*

2. *[W]* Transient noncommunity water *[supplies]* systems utilizing groundwater—

A. May be required, at the discretion of the department, to submit plans and specifications for approval;

B. Shall be constructed in accordance with the department's "Standards for Non-*[c]*Community Public Water *[s]*Supplies, 1982"; and

C. Must file with the department, within sixty (60) days of completion, a record of construction for all new or modified wells on forms provided by the department.

(3) Permits to Dispense Water *[Are Effective Until Revoked]*. The department may modify or revoke a permit to dispense water, subject to the appeal provisions of section *[640.130.4.,] 640.130.5, RSMo*, upon a finding that any of the following *[events]* have occurred:

(A) The holder of a permit ceases to function as a public water supply;

(B) The holder of a permit fails to correct an operating deficiency or comply with these regulations within a reasonable time after receipt of notice from the department; *[or]*

(C) The department determines that an emergency condition exists in a water supply which endangers, or could be expected to endanger, the health of a person(s) consuming affected water.

*AUTHORITY: sections 640.100 and 640.115, RSMo [1994] Supp. 1998. Original rule filed May 4, 1979, effective Sept. 14, 1979. Amended: Filed April 14, 1981, effective Oct. 11, 1981. Amended: Filed Aug. 13, 1982, effective Dec. 11, 1982. Amended: Filed Aug. 4, 1987, effective Jan. 1, 1988. Amended: Filed July 12, 1991, effective Feb. 6, 1992. Amended: Filed Feb. 1, 1996, effective Oct. 30, 1996. Amended: Filed July 1, 1999. Emergency rule filed September 20, 1999, effective September 30, 1999, expires March 27, 2000.*

Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Public Drinking Water Program  
Chapter 3—Permits

EMERGENCY RULE

10 CSR 60-3.020 Continuing Operating Authority

*EMERGENCY STATEMENT: This rule is necessary in order for the state of Missouri to meet the provisions of section 1420(a) of the Safe Drinking Water Act and section 640.115 of the Missouri Safe Drinking Water Law. The purpose of the rule is to require all new water systems commencing operation after October 1, 1999, demonstrate a permanent organization exists to serve as continuing operating authority that will have and maintain the technical, managerial, and financial capacity as established in the emergency rules in 10 CSR 60-3 published in this issue of the Missouri Register. If the state does not meet the requirements of section 1420(a), the state will receive only 80% of the funds it is entitled to receive, under section 1452, related to the State Revolving Loan Fund. If the deadline is missed, Missouri's share of the withheld federal funds will be reallocated to other states which have met this requirement. This rule is necessary to preserve a compelling governmental interest and protects the public health and safety of Missouri citizens.*

*To assure fairness, drafts of this rule have been distributed to and commented on by the Safe Drinking Water Commission, industry associations and persons requesting an opportunity to comment. This temporary emergency rule will be replaced with a permanent rule promulgated through the regular rulemaking process, including a public hearing and comment period. The proposed rule was published in the August 2, 1999 Missouri Register.*

*The scope of the rule is limited to the circumstances requiring emergency procedures. The procedure followed complies with the Missouri and United States Constitutions.*

*Emergency rule filed September 20, 1999, effective September 30, 1999, expires March 27, 2000.*

*PURPOSE: This emergency rule establishes continuing operating authority requirements for community and non-transient non-community water systems.*

(1) Applicability. This rule applies to community and non-transient non-community water systems commencing operation after October 1, 1999.

(2) Definitions.

(A) The terms and definitions in 10 CSR 60-2.015 apply to this rule.

(B) Continuing operating authority means the permanent organization, entity or person identified on the permit to dispense water who is responsible for the management, operation, replacement, maintenance and modernization of the public water system in compliance with the Missouri Safe Drinking Water Law and rules.

(3) Community and Non-transient Non-community Water Systems Commencing Operation After October 1, 1999. Owners/operators of community and non-transient non-community water systems applying for written construction authorizations or permits to dispense water, or both, shall show as part of their application, that a permanent organization exists which will serve as the continuing operating authority for the management, operation, replacement, maintenance and modernization of the facility for which the application is made. The department will not issue written construction authorizations and permits to dispense unless the applicant provides proof satisfactory to the department that a continuing operating authority exists that shall have jurisdiction over the facility.

Written construction authorizations and permits to dispense water will be issued to the continuing operating authority. The permit shall be valid only for the continuing operating authority to which the permit is issued.

(4) Continuing Operating Authority Responsibilities. To ensure the dispensing of safe and adequate supplies of drinking water to its customers, the continuing operating authority for each public water system subject to this rule shall be responsible for all necessary: source withdrawal facilities, treatment facilities, and/or distribution facilities which the public water system owns or leases. The continuing operation authority shall have such valid lease agreements, contracts and properly recorded easements, as necessary, to allow access for new construction, repair, replacement, maintenance, and operation of all facilities.

(5) Private Water Corporations. Private corporations which are not incorporated under the laws of the State of Missouri shall be represented by a registered agent in the State of Missouri before a written authorization to construct or a permit to dispense water will be issued by the department.

*AUTHORITY: sections 640.100 and 640.115, RSMo Supp. 1998. Original rule filed July 1, 1999. Emergency rule filed Sept. 20, 1999, effective Sept. 30, 1999, expires March 27, 2000.*

## **Title 10—DEPARTMENT OF NATURAL RESOURCES**

### **Division 60—Public Drinking Water Program**

#### **Chapter 3—Permits**

### **EMERGENCY RULE**

#### **10 CSR 60-3.030 Technical, Managerial, and Financial Capacity**

*EMERGENCY STATEMENT: This rule is necessary in order for the state of Missouri to meet the provisions of section 1420(a). The purpose of the rule is for the state of Missouri to implement the means to ensure that all new community water systems and new non-transient non-community water systems commencing operation after October 1, 1999, demonstrate technical, managerial, and financial capacity with respect to each national primary drinking water regulation in effect, or likely to be in effect, on the date of commencement of operations. If the state does not obtain this authority, the state will receive only 80% of the funds it is entitled to receive, under section 1452, related to the State Revolving Loan Fund. If the deadline is missed, Missouri's share of the withheld federal funds will be reallocated to other states which have met this requirement. This rule is necessary to preserve a compelling governmental interest and protects the public health and safety of Missouri citizens.*

*To assure fairness, drafts of this rule have been distributed to and commented on by the Safe Drinking Water Commission, industry associations and persons requesting an opportunity to comment. This temporary emergency rule will be replaced with a permanent rule promulgated through the regular rulemaking process, including a public hearing and comment period. The proposed rule was published in the August 2, 1999 Missouri Register*

*The scope of rule is limited to the circumstances requiring emergency procedures. The procedure followed complies with the Missouri and United States Constitutions.*

*Emergency rule filed September 20, 1999, effective September 30, 1999, expires March 27, 2000.*

*PURPOSE: This emergency rule establishes minimum technical, managerial and financial capacity requirements for community and nontransient noncommunity water systems commencing operation after October 1, 1999.*

(1) Applicability. This rule applies to community and nontransient noncommunity water systems commencing operation after October 1, 1999.

(2) General Requirements.

(A) Community and non-transient non-community water systems commencing operation after October 1, 1999 shall show, as part of their permit application, that the public water system will meet the requirements of this rule. The department will not issue a permit to dispense water until requirements of this rule are met.

(B) Community and non-transient non-community water systems commencing operation after October 1, 1999 shall show as part of their application that the public water system will meet the minimum technical, managerial, and financial capacity requirements of this rule. The department will not issue a written construction authorization until it determines that the proposed water system will meet the requirements of this rule.

(C) Community and non-transient non-community water systems shall maintain compliance with this rule and shall provide the department with information during sanitary surveys and upon written request for the department's use in assessing their compliance with this rule.

(D) Community and nontransient noncommunity water systems subject to this rule shall consider and plan for the potential impact of future regulations on their technical, managerial and financial capacity.

(3) Minimum technical, managerial, and financial capacity requirements.

(A) Minimum technical capacity requirements.

1. All community water systems subject to this rule must conform to the current "Standards for Community Public Water Supplies."

2. All nontransient noncommunity water systems subject to this rule must conform to the current "Standards for Non-Community Public Water Supplies."

3. All public water systems subject to this rule shall have a sufficient number of operators certified as required in 10 CSR 60-14 to provide proper operation and maintenance of all source, treatment, storage, and distribution facilities so that the public water system meets all requirements of sections 640.100-640.140, RSMo and regulations promulgated thereunder. These operators shall be properly trained and be provided all equipment needed, including safety equipment, to perform all tasks in their job duties.

4. All public water systems subject to this rule shall have and maintain an updated distribution system map and shall make the map available to the department on request.

(B) Minimum managerial capacity requirements.

1. Community and nontransient noncommunity water systems subject to this rule shall have an organization chart that shows every position that provides any drinking water function with the position title, name, business address, and telephone number of the person filling that position. This chart shall show clear lines of authority and supervision. Elected officials and managers that have overall jurisdiction shall also be shown on this chart. The chart shall state the name(s) of the persons or legal entity who own the public water system along with the business address and telephone number of the owner(s). This chart shall be publicly displayed and shall be updated within thirty (30) calendar days of any changes. An updated copy of the organization chart shall be made available to the department.

2. Community and nontransient noncommunity water systems subject to this rule shall designate a person or persons who will receive customer complaints and shall have a written procedure for receiving, investigating, resolving, and recording customer complaints. The name, title, business address, business telephone number and office hours of the person(s) designated to receive complaints shall be publicly displayed, along with the



written complaint procedure. Complaint records shall be kept for a minimum of five (5) years and shall be made available to the department upon request. Results of investigations shall be used as part of the planning process for future improvements.

3. Community and nontransient noncommunity water systems subject to this rule shall have a written rate structure and service fees, and the rate structure and service fees shall be publicly displayed and shall be made available to the department upon request.

4. Community and nontransient noncommunity water systems subject to this rule shall hold at least one (1) public meeting prior to changing the rate structure or service fees and shall notify the customers in advance of the public meeting by posting notice in the principal business office and providing notice in the area served, unless the rate increase procedure is regulated by other state or federal regulations. Records of customers notice and summary of the public meeting shall be kept for a minimum of five (5) years and shall be made available to the department upon request.

5. Community and nontransient noncommunity water systems subject to this rule shall designate a person to be responsible for compliance with the public drinking water regulations in 10 CSR 60, including reporting and public notice requirements. This person shall be trained in public drinking water regulation requirements and shall act as liaison with the department on drinking water issues. The department will refer compliance actions to this person. The name, position title, business address, business telephone number, and office hours for this person shall be made available to the department and the department shall be notified within thirty (30) calendar days of any change.

(C) Minimum financial capacity requirements.

1. Community and nontransient noncommunity water systems subject to this rule shall adhere to standard accounting practices in accordance with the Generally Accepted Accounting Principles and Practices, or the National Association of Regulated Utility Companies Uniform System of Accounts, as appropriate.

2. Community and nontransient noncommunity water systems subject to this rule shall develop and implement a system of collection of water fees that includes disconnection of service for nonpayment or other measures for obtaining payment. The total of uncollected fees and the percentage of uncollected fees compared to sum of collected and uncollected fees shall be recorded monthly. These records shall be made available to the department upon request.

3. Community and nontransient noncommunity water systems subject to this rule shall develop an annual budget showing public water system revenues and expenditures, shall prepare a report at the end of each fiscal year showing public water system revenues and expenditures for that year and a comparison with the annual budget prepared for that year, and shall prepare a five- (5) year budget and capital improvement plan that will be updated annually. The capital improvement plan shall include the potential financial impacts of future regulations. These records shall be kept for a minimum of ten (10) years and shall be made available to the department upon request.

4. Annual revenues shall cover all public water system costs for the system including operating costs, maintenance costs, debt service costs, operating reserves, debt service reserves, emergency equipment replacement reserves, and revenue collection costs.

5. Community and nontransient noncommunity water systems subject to this rule and not subject to state regulation of rates for water service, in addition to all other financial capacity requirements, shall have and maintain:

A. An operating reserve equal to or greater than one-tenth (1/10) of the annual operations and maintenance budget. The public water system must establish this reserve in at least annual payments not to exceed ten (10) years. Funds from the operating reserve shall be used for operating and maintenance expenses only and shall be replaced within ten (10) years from the date of use. This reserve shall be invested in an account with ready access to

the funds. Records of this reserve shall be made available to the department upon request. Other private, state, or federal reserves may be applied to meet this requirement;

B. An emergency equipment replacement reserve equal to or greater than the replacement cost of the most expensive mechanical equipment item needed for operation. The public water system must establish this reserve in at least annual payments over a minimum of ten (10) years. Funds from the reserve shall be used for emergency equipment replacement expenses only and any funds so used shall be replaced within ten (10) years from the date of use. This reserve shall be invested in an account with ready access to the funds. Records of this reserve shall be made available to the department upon request. Other private, state, or federal reserves may be applied to meet this requirement; and

C. If there is debt on the public water system facilities, a debt service reserve no less than required in the bonding agreement. Funds from the debt service reserve shall be used for debt service expenses only and replaced no less than required in the bonding agreement. Records of this reserve shall be made available to the department upon request.

*AUTHORITY: sections 640.100 and 640.115, RSMo Supp. 1998. Original rule filed July 1, 1999. Emergency rule filed Sept. 20, 1999, effective Sept. 30, 1999, expires March 27, 2000.*

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—Division of Medical Services  
Chapter 4—Conditions of Recipient Participation,  
Rights, and Responsibilities**

**EMERGENCY RULE**

**13 CSR 70-4.090 Uninsured Working Parents' Health Insurance Program.**

*PURPOSE: This rule establishes the Uninsured Working Parents' Health Insurance Program. This program will provide payment for health care coverage for uninsured, low income, working parents leaving welfare for work thereby reducing future dependence on welfare and reducing the possibility of a family's future dependence on welfare as authorized pursuant to section 208.040, RSMo. The program is also authorized pursuant to the award of the Missouri State Medicaid Section III5 Health Care Reform Demonstration Proposal approved by the Health Care Financing Administration.*

*EMERGENCY STATEMENT: This emergency rule is necessary to implement the Uninsured Working Parents' Health Insurance Program. This program will provide payment for health care coverage for uninsured, low income, working parents leaving welfare for work, thereby reducing future dependence on welfare and reducing the possibility of a family's future dependence on welfare as authorized pursuant to section 208.040, RSMo. This emergency rule will provide clarity regarding who is and who is not eligible for the Uninsured Working Parents' Health Insurance Program and will enable those who meet the specified eligibility requirements outlined within this emergency rule to apply for and receive health insurance coverage, thereby protecting the public health, safety, and welfare of Missouri citizens. Without this emergency rule there will be confusion regarding who is and who is not eligible for the Uninsured Working Parents' Health Insurance Program. The Division of Medical Services finds the rule is necessary to preserve a compelling governmental interest that requires an early effective date to ensure the implementation of the uninsured working parents' health insurance program which is authorized pursuant to the award of the Missouri State Medicaid Section III5 Health Care Reform Demonstration Proposal approved by the Health Care*

*Financing Administration to provide health insurance coverage for more than 50,000 working uninsured Missouri parents. This emergency rule limits its scope to the circumstances creating the emergency and complies with the protection extended by the Missouri and United States Constitutions. Therefore, the Division believes this emergency amendment to be fair to all interested persons and parties under the circumstances. Emergency rule filed September 13, 1999, effective September 23, 1999, expires March 21, 2000.*

(1) Definitions.

(A) Working Parents. Working parents are defined as having gross earned income above \$234 per parent per month.

(B) Health Insurance. Any hospital and medical expense incurred policy, nonprofit health care service for benefits other than through an insurer, nonprofit health care service plan contract, health maintenance organization subscriber contract, preferred provider arrangement or contract, or any other similar contract or agreement for the provision of health care benefits. The term "health insurance" does not include short-term, accident, fixed indemnity, limited benefit or credit insurance coverage issued as a supplement to liability insurance, insurance arising out of a workers' compensation or similar law, automobile medical-payment insurance, or insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in any liability insurance policy or equivalent self-insurance.

(C) Co-Payment. A cost-sharing arrangement in which a covered person pays a specified charge for a specified service, such as ten dollars (\$10) for a professional service.

(D) Parents. For purposes of this regulations the term parents can refer to a custodial parent, custodial parents, non-custodial parent or the child's legal guardian or guardians.

(2) The following uninsured working parents' shall be eligible to receive medical services to the extent and in the manner provided in this regulation:

(A) Parents losing transitional medical assistance (TMA) who would not otherwise be insured or Medicaid eligible, with gross income below three hundred percent (300%) of the federal poverty level for the household size;

1. Eligibility for the Uninsured Working Parents' Health Insurance Program for parents losing TMA ends after twenty-four (24) total non-consecutive months.

2. After coverage ends, the parents have the option of staying in the MC+ health plan, where managed care is available, if the parents pay the cost of the state's cost for the time period covered by the Missouri Medicaid Section 1115 Health Care Reform Demonstration Proposal as approved by the Health Care Financing Administration.

(B) Uninsured non-custodial working parents with income below one hundred twenty-five percent (125%) of the federal poverty level for the household size who are current in paying their child support;

(C) Uninsured non-custodial parents who are actively participating in Missouri's Parents' Fair Share program;

(D) Uninsured custodial working parents with family income below one hundred percent (100%) of the federal poverty level for the household size; and

(E) Uninsured mothers who do not qualify for other medical assistance benefits, and would lose their Medicaid eligibility 60 days after the birth of their child, will continue to be eligible for family planning and limited testing of sexually transmitted diseases, regardless of income, for twenty-four (24) consecutive months after the pregnancy ends.

(3) Uninsured working parents who have had health insurance in the six (6) months prior to the month of application shall not be eligible.

(4) If the parents had health insurance and such health insurance coverage was dropped, within six months prior to the month of application, the parent is not eligible for coverage under this rule until six months after coverage was dropped.

(5) The six (6) month period of ineligibility would not apply to parents who lose health insurance due to:

(A) Employment with a new employer that does not provide an option for coverage;

(B) Expiration of the Consolidated Budget Reconciliation Act (COBRA) coverage period; or

(C) Lapse of health insurance when the lifetime maximum benefits under their private health insurance have been exhausted.

(6) Beneficiaries covered in Section (2) of this rule shall be eligible for service(s) from the date their application is received. No services(s) will be covered prior to the date the application is received.

(7) The following services are covered for beneficiaries of the Uninsured Working Parents' Health Insurance Program if they are medically necessary:

(A) Inpatient hospital services;

(B) Outpatient hospital services;

(C) Emergency room services;

(D) Ambulatory surgical center, birthing center;

(E) Physician, advanced practice nurse, and certified nurse midwife services;

(F) Maternity benefits for inpatient hospital and certified nurse midwife. The health plan shall provide coverage for a minimum of forty-eight (48) hours of inpatient hospital services following a vaginal delivery and a minimum of ninety-six (96) hours of inpatient hospital services following a cesarean section for a mother and her newly born child in a hospital or any other health care facility licensed to provide obstetrical care under the provision of Chapter 197, RSMo. A shorter length of hospital stay for services related to maternity and newborn care may be authorized if a shorter inpatient hospital stay meets with the approval of the attending physician after consulting with the mother and is in keeping with federal and state law. The health plan is to provide coverage for post-discharge care to the mother and her newborn. The physician's approval to discharge shall be made in accordance with the most current version of the "Guidelines for Perinatal Care" prepared by the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists, or similar guidelines prepared by another nationally recognized medical organization and be documented in the patient's medical record. The first post-discharge visit shall occur within twenty-four (24) to forty-eight (48) hours. Post-discharge care shall consist of a minimum of two visits at least one of which shall be in the home, in accordance with accepted maternal and neonatal physical assessments, by a registered professional nurse with experience in maternal and child health nursing or a physician. The location and schedule of the post-discharge visits shall be determined by the attending physician. Services provided by the registered professional nurse or physician shall include, but not be limited to, physician assessment of the newborn and mother, parent education, assistance and training in breast or bottle feeding, education and services for complete childhood immunizations, the performance of any necessary and appropriate clinical tests and submission of a metabolic specimen satisfactory to the State laboratory. Such services shall be in accordance with the medical criteria outlined in the most current version of the "Guidelines for Perinatal Care" prepared by the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists, or similar guidelines prepared by another nationally recognized medical organization. If the health plan intends to use another nationally

recognized medical organization's guidelines, the state agency must approve prior to implementation of its use;

- (G) Family planning services;
- (H) Pharmacy benefits;
- (I) Dental services to treat trauma or disease;
- (J) Laboratory, radiology and other diagnostic services;
- (K) Prenatal case management;
- (L) Hearing aids and related services;
- (M) Eye exams and services to treat trauma or disease (one pair of glasses after cataract surgery only);
- (N) Home health services;
- (O) Emergent (ground or air) transportation;
- (P) Non-emergent transportation only for members in ME Code 78 Parent's Fair Share;
- (Q) Mental health and substance abuse services, subject to limitation of 30 inpatient days and 20 outpatient visits. One (1) inpatient day may be traded for two (2) outpatient visits;
- (R) Services of other providers when referred by the health plan's primary care provider;
- (S) Hospice services;
- (T) Durable medical equipment (including but not limited to: orthotic and prosthetic devices, respiratory equipment and oxygen, enteral and parenteral nutrition, wheelchairs and walkers, diabetes supplies and equipment);
- (U) Diabetes self management training for persons with gestational, Type I or Type II diabetes;
- (V) Services provided by local health agencies (may be provided by the health plan or through an arrangement between the local health agency and the health plan);

1. screening, diagnosis, and treatment of sexually transmitted diseases;
2. HIV screening and diagnostic services;
3. screening, diagnosis, and treatment of tuberculosis;

(W) Emergency medical services. Emergency medical services are defined as those health care items and services furnished or required to evaluate or stabilize a sudden and unforeseen situation or occurrence or a sudden onset of a medical or mental health condition manifesting itself by acute symptoms of sufficient severity (including severe pain) that the failure to provide immediate medical attention could reasonably be expected by a prudent lay person, possessing average knowledge of health and medicine, to result in:

1. placing the patient's health (or with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy; or
2. serious impairment of bodily functions; or
3. serious dysfunction of any bodily organ or part; or
4. serious harm to a member or others due to an alcohol or drug abuse emergency; or
5. injury to self or bodily harm to others; or
6. with respect to a pregnant woman who is having contractions: (1) that there is inadequate time to effect a safe transfer to another hospital before delivery or; (2) that transfer may pose a threat to the health or safety of the woman or the unborn child.

(8) Parents losing TMA, uninsured non-custodial working parent(s) with family income below one hundred twenty-five percent (125%) of the federal poverty level who are current in paying their child support and uninsured custodial working parent(s) with family income below one hundred percent (100%) of the federal poverty level shall owe a ten dollar (\$10) co-payment for certain professional services and a five dollar (\$5.00) co-payment in addition to the recipient portion of the professional dispensing fee for pharmacy services required by 13 CSR 70.4.051.

(A) Providers may request payment of the mandatory co-payment(s) prior to service delivery.

(B) The co-payment amount will be deducted from the Medicaid Maximum Allowable amount for fee-for-service claims reimbursed by the Division of Medical Services.

(C) Service(s) may not be denied for failure to pay the mandatory co-payment.

(D) When a mandatory co-payment is not paid, the Medicaid provider will have the following options:

1. forego the co-payment entirely;
2. Make arrangements for future payment with the recipient;

or

3. file a claim with the Division of Medical Services to report the non-payment of the mandatory co-payment and secure payment for the service from the Division of Medical Service.

(E) When the Division of Medical Services receives a claim from a Medicaid fee-for-service provider for non-payment of the mandatory co-payment, the Division will send a notice to the recipient requesting:

1. that the recipient reimburse the Division of Medical Services for the mandatory co-payment made on their behalf; or
2. an explanation from the recipient why the mandatory co-payment was not and cannot be made.

(F) The recipient will be allowed fourteen (14) calendar days to respond. If the recipient indicated there has been a change in the financial situation of the family, the state shall redetermine eligibility:

1. if the eligibility redetermination places the recipient in a non-mandatory co-payment category, there will be no co-payment due; or
2. if the eligibility redetermination does not place the recipient in a non-mandatory co-payment category another notice will be sent to the recipient about the mandatory co-payment provision of the program.

(G) Notice of non-payment of mandatory co-payment(s) sent to the recipient during the course of a year shall establish a pattern of not meeting the mandatory cost sharing requirement of the program. The process to terminate eligibility shall proceed with the third failure to pay in any one (1) year:

1. a year starts at the point the individual becomes eligible;
2. an individual who pays a delinquent co-payment or co-payments will be able to eliminate the failure to pay a mandatory co-payment or co-payments.

(H) Recipient(s) shall have access to a fair hearing process to appeal the disenrollment decision.

(I) If the recipient fails to pay the mandatory co-payments three (3) times within a year and is disenrolled from coverage the recipient shall not be eligible for coverage for three (3) months after the department provides notice to the recipient of disenrollment for failure to pay mandatory co-payments.

(9) Uninsured non-custodial parents who are actively participating in Missouri's Parents' Fair Share program and uninsured mothers who do not qualify for other benefits, and would lose their Medicaid eligibility sixty (60) days after the birth of their child are not required to pay a co-pay for services.

(10) The Department of Social Services, Division of Medical Services shall provide for granting an opportunity for a fair hearing to any applicant or recipient whose claim for benefits under the Missouri Medicaid Section 1115 Health Care Reform Demonstration Proposal is denied or disenrollment for failure to pay mandatory co-payments has been determined by the division.

*AUTHORITY: sections 208.040, 208.152, 208.201, RSMo 1994 and 660.017, RSMo Supp. 1998. Original rule filed Aug. 16, 1999. Emergency rule filed Sept. 13, 1999, effective Sept. 23, 1999, expires March 21, 2000.*

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—Division of Medical Services  
Chapter 10—Nursing Home Program**

**EMERGENCY AMENDMENT**

**13 CSR 70-10.015 Prospective Reimbursement Plan for Nursing Facility Services.** The division is amending section (13).

*PURPOSE: This amendment outlines how the Fiscal Year 2000 trend factor will be applied to adjust per diem rates for nursing facilities participating in the Medicaid program.*

*EMERGENCY STATEMENT: This emergency amendment is necessary to implement the increased reimbursement to providers of nursing facility services included in the Appropriations Bill enacted by the Legislature for State Fiscal Year 2000. The appropriation reflects the increased cost of providing nursing facility services and is dispersed in the form of an increase to the providers' per diem rates. It must be implemented on a timely basis to ensure that quality nursing facility services continue to be provided to over 26,500 Medicaid patients in nursing facilities. The Division of Medical Services finds that, due to the healthy national and state economy and the low unemployment rate, these per-diem rate adjustments are necessary on an emergency basis. Failure to implement these adjustments may result in diminished nursing facility services to Medicaid patients in nursing facilities. Therefore, the Division of Medical Services finds an immediate danger to public health which requires emergency action. The Division of Medical Services also finds that this emergency amendment is necessary to preserve a compelling governmental interest that requires an early effective date. This emergency amendment limits its scope to the circumstances creating the emergency and complies with the protections extended by the Missouri and United States Constitutions. Therefore, the Division believes this emergency amendment to be fair to all interested persons and parties under the circumstances. Emergency amendment filed September 20, 1999, effective October 1, 1999, expires March 29, 2000.*

(13) Adjustments to the Reimbursement Rates. Subject to the limitations prescribed elsewhere in this regulation, a facility's reimbursement rate may be adjusted as described in this section.

(A) Global Per-Diem Rate Adjustments. A facility with either an interim rate or a prospective rate may qualify for the global per-diem rate adjustments. Global per-diem rate adjustments shall be added to the specified cost component ceiling.

**1. FY-96 negotiated trend factor—**

A. Facilities with either an interim rate or prospective rate in effect on October 1, 1995, shall be granted an increase to their per-diem effective October 1, 1995, of 4.6% of the cost determined in paragraphs (11)(A)1., (11)(B)1., (11)(C)1. and the property insurance and property taxes detailed in paragraph (11)(D)3. of this regulation; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. that is in effect on October 1, 1995, shall have their increase determined by subsection (3)(S) of this regulation.

**2. FY-97 negotiated trend factor—**

A. Facilities with either an interim rate or prospective rate in effect on October 1, 1996, shall be granted an increase to their per diem effective October 1, 1996, of 3.7% of the cost determined in paragraphs (11)(A)1., (11)(B)1., (11)(C)1. and the property insurance and property taxes detailed in paragraph (11)(D)3. of this regulation; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. that is in effect on October 1, 1995, shall have their increase determined by subsection (3)(S) of this regulation.

3. NFRA. Effective October 1, 1996, all facilities with either an interim rate or a prospective rate shall have its per diem adjusted to include the current NFRA as an allowable cost in its reimbursement rate calculation.

4. Minimum wage adjustment. All facilities with either an interim rate or a prospective rate in effect on November 1, 1996, shall be granted an increase to their per diem effective November 1, 1996, of two dollars and forty-five cents (\$2.45) to allow for the change in minimum wage. Utilizing fiscal year 1995 cost report data, the total industry hours reported for each payroll category was multiplied by the fifty-cent (50¢) increase, divided by the patient days for the facilities reporting hours for that payroll category and factored up by 8.67% to account for the related increase to payroll taxes. This calculation excludes the director of nursing, the administrator and assistant administrator.

5. Minimum wage adjustment. All facilities with either an interim rate or a prospective rate in effect on September 1, 1997, shall be granted an increase to their per diem effective September 1, 1997, of one dollar and ninety-eight cents (\$1.98) to allow for the change in minimum wage. Utilizing fiscal year 1995 cost report data, the total industry hours reported for each payroll category was multiplied by the forty-cent (40¢) increase, divided by the patient days for the facilities reporting hours for that payroll category and factored up by 8.67% to account for the related increase to payroll taxes. This calculation excludes the director of nursing, the administrator and assistant administrator.

**6. FY-98 negotiated trend factor—**

A. Facilities with either an interim rate or prospective rate in effect on October 1, 1997, shall be granted an increase to their per diem effective October 1, 1997, of 3.4% of the cost determined in paragraphs (11)(A)1., (11)(B)1., (11)(C)1. and the property insurance and property taxes detailed in paragraph (11)(D)3. of this regulation; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. that is in effect on October 1, 1995, shall have their increase determined by subsection (3)(S) of this regulation.

**7. FY-99 negotiated trend factor—**

A. Facilities with either an interim rate or prospective rate in effect on October 1, 1998, shall be granted an increase to their per diem effective October 1, 1998, of 2.1% of the cost determined in paragraphs (11)(A)1., (11)(B)1., (11)(C)1., the property insurance and property taxes detailed in paragraph (11)(D)3. of this regulation and the minimum wage adjustments detailed in paragraphs (13)(A)4. and (13)(A)5.; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. that is in effect on October 1, 1998, shall have their increase determined by subsection (3)(S) of this regulation.

**8. FY-2000 negotiated trend factor—**

A. Facilities with either an interim rate or prospective rate in effect on July 1, 1999, shall be granted an increase to their per diem effective July 1, 1999, of 1.94% of the cost determined in subsections (11)(A), (11)(B), (11)(C), the property insurance and property taxes detailed in paragraph (11)(D)3. and the minimum wage adjustments detailed in paragraphs (13)(A)4. and (13)(A)5. of this regulation; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. that is in effect on July 1, 1999, shall have their increase determined by subsection (3)(S) of this regulation.

*AUTHORITY: sections 208.153, 208.159, and 208.201, RSMo 1994. Emergency rule filed Dec. 21, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency rule filed April 21, 1995, effective May 1, 1995, expired Aug. 28, 1995. Original rule filed Dec. 15, 1994, effective July 30, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 30,*

1999. Emergency amendment filed Sept. 20, 1999, effective Oct. 1, 1999, expires March 29, 2000.

**Title 13—DEPARTMENT OF SOCIAL SERVICES**  
**Division 70—Division of Medical Services**  
**Chapter 10—Nursing Home Program**

**EMERGENCY AMENDMENT**

**13 CSR 70-10.030 Prospective Reimbursement Plan for Nonstate-Operated Facilities for ICF/MR Services.** The division is amending Section (4).

*PURPOSE: This emergency amendment outlines how the State Fiscal Year 2000 trend factor, which is to be used only for increases for salaries and fringe benefits for direct care staff and their immediate supervisors, will be applied to adjust per diem rates for nonstate-operated ICF/MR facilities participating in the Medicaid program.*

*EMERGENCY STATEMENT: This emergency amendment is necessary to implement the increased reimbursement to providers of ICF/MR services included in the Appropriations Bill enacted by the Legislature for State Fiscal Year 2000. The appropriation reflects the increased cost of providing ICF/MR services and is dispersed in the form of an increase to the providers' per-diem rates. It must be implemented on a timely basis to ensure that quality nursing facility services continue to be provided to Medicaid patients in nonstate-operated ICF/MRs. The Division of Medical Services finds that, due to the healthy national and state economy and the low unemployment rate, these per-diem rate adjustments are necessary on an emergency basis. Failure to implement these adjustments may result in diminished nursing facility services to Medicaid patients in nonstate-operated ICF/MRs. Therefore, the Division of Medical Services finds an immediate danger to public health which requires emergency action. The Division of Medical Services also finds that this emergency amendment is necessary to preserve a compelling governmental interest that requires an early effective date. This emergency amendment limits its scope to the circumstances creating the emergency and complies with the protection extended by the Missouri and United States Constitutions. Therefore, the Division believes this emergency amendment to be fair to all interested persons and parties under the circumstances. Emergency amendment filed September 20, 1999, effective October 1, 1999, expires March 29, 2000.*

(4) Prospective Reimbursement Rate Computation.

(A) Except in accordance with other provisions of this rule, the provisions of this section shall apply to all providers of ICF/MR services certified to participate in Missouri's Medicaid program.

1. ICF/MR facilities.

A. Except in accordance with other provisions of this rule, the Missouri Medical Assistance program shall reimburse providers of these LTC services based on the individual Medicaid-recipient days of care multiplied by the Title XIX prospective per-diem rate less any payments collected from recipients. The Title XIX prospective per-diem reimbursement rate for the remainder of state Fiscal Year 1987 shall be the facility's per-diem reimbursement payment rate in effect on October 31, 1986, as adjusted by updating the facility's allowable base year to its 1985 fiscal year. Each facility's per-diem costs as reported on its Fiscal Year 1985 Title XIX cost report will be determined in accordance with the principles set forth in this rule. If a facility has not filed a 1985 fiscal year cost report, the most current cost report on file with the department will be used to set its per-diem rate. Facilities with less than a full twelve (12)-month 1985 fiscal year will not have their base year rates updated.

B. For state FY-88 and dates of service beginning July 1, 1987, the negotiated trend factor shall be equal to two percent (2%) to be applied in the following manner: Two percent (2%) of the average per-diem rate paid to both state- and nonstate-operated ICF/MR facilities on June 1, 1987, shall be added to each facility's rate.

C. For state FY-89 and dates of service beginning January 1, 1989, the negotiated trend factor shall be equal to one percent (1%) to be applied in the following manner: One percent (1%) of the average per-diem rate paid to both state- and nonstate-operated ICF/MR facilities on June 1, 1988 shall be added to each facility's rate.

D. For state FY-91 and dates of service beginning July 1, 1990, the negotiated trend factor shall be equal to one percent (1%) to be applied in the following manner: One percent (1%) of the average per-diem rate paid to both state- and nonstate-operated ICF/MR facilities on June 1, 1990, shall be added to each facility's rate.

E. FY-96 negotiated trend factor. All nonstate operated ICF/MR facilities shall be granted an increase to their per-diem rates effective for dates of service beginning January 1, 1996, of six dollars and seven cents (\$6.07) per patient day for the negotiated trend factor. This adjustment is equal to four and six-tenths percent (4.6%) of the weighted average per-diem rates paid to nonstate-operated ICF/MR facilities on June 1, 1995, of one hundred thirty-one dollars and ninety-three cents (\$131.93).

*PUBLISHER'S NOTE: Subparagraph (4)(A)1.F. is reserved as ordered in the Missouri Register on October 15, 1999, to become effective in the Code of State Regulations on November 30, 1999.*

G. State FY-2000 trend factor. All nonstate-operated ICF/MR facilities shall be granted an increase to their per-diem rates effective for dates of service beginning July 1, 1999, of four dollars and sixty-three cents (\$4.63) per patient day for the trend factor. This adjustment is equal to three percent (3%) of the weighted average per-diem rate paid to nonstate-operated ICF/MR facilities on April 30, 1999, of one hundred fifty-four dollars and forty-three cents (\$154.43). This increase shall only be used for increases for the salaries and fringe benefits for direct care staff and their immediate supervisors.

2. Adjustments to rates. The prospectively determined reimbursement rate may be adjusted only under the following conditions:

A. When information contained in a facility's cost report is found to be fraudulent, misrepresented or inaccurate, the facility's reimbursement rate may be reduced, both retroactively and prospectively, if the fraudulent, misrepresented or inaccurate information as originally reported resulted in establishment of a higher reimbursement rate than the facility would have received in the absence of this information. No decision by the Medicaid agency to impose a rate adjustment in the case of fraudulent, misrepresented or inaccurate information in any way shall affect the Medicaid agency's ability to impose any sanctions authorized by statute or rule. The fact that fraudulent, misrepresented or inaccurate information reported did not result in establishment of a higher reimbursement rate than the facility would have received in the absence of the information also does not affect the Medicaid agency's ability to impose any sanctions authorized by statute or rules;

B. In accordance with subsection (6)(B) of this rule, a newly constructed facility's initial reimbursement rate may be reduced if the facility's actual allowable per-diem cost for its first twelve (12) months of operation is less than its initial rate;

C. When a facility's Medicaid reimbursement rate is higher than either its private pay rate or its Medicare rate, the Medicaid rate will be reduced in accordance with subsection (2)(B) of this rule;

D. When the provider can show that it incurred higher cost due to circumstances beyond its control and the circumstances are not experienced by the nursing home or ICF/MR industry in general, the request must have a substantial cost effect. These circumstances include, but are not limited to:

(I) Acts of nature, such as fire, earthquakes and flood, that are not covered by insurance;

(II) Vandalism, civil disorder, or both;

(III) Replacement of capital depreciable items not built into existing rates that are the result of circumstances not related to normal wear and tear or upgrading of existing system;

E. When an adjustment to a facility's rate is made in accordance with the provisions of section (6) of this rule; or

F. When an adjustment is based on an Administrative Hearing Commission or court decision.

*AUTHORITY: sections 208.153, 208.159 and 208.201, RSMo 1994. This rule was previously filed as 13 CSR 40-81.083. Original rule filed Aug. 13, 1982, effective Nov. 11, 1982. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Feb. 23, 1999, effective March 5, 1999, expired Aug. 31, 1999. Amended: Filed May 27, 1999. Emergency amendment filed Sept. 20, 1999, effective Oct. 1, 1999, expires March 29, 2000.*

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—Division of Medical Services  
Chapter 10—Nursing Home Program**

**EMERGENCY AMENDMENT**

**13 CSR 70-10.050 Pediatric Nursing Care Plan.** The division is amending paragraph (3)(E)4.

*PURPOSE: This amendment increases the maximum amount that may be paid to Pediatric Nursing Facilities and provides a mechanism to update reimbursement based on increases granted to other nursing facilities.*

*EMERGENCY STATEMENT: This emergency amendment is necessary to implement the increased reimbursement to pediatric nursing facility providers included in the Appropriations Bill enacted by the Legislature for State Fiscal Year 2000. The appropriation reflects the increased cost of providing pediatric nursing facility services and is dispersed in the form of an increase to the providers' per-diem rates. It must be implemented on a timely basis to ensure that quality nursing facility services continue to be provided to Medicaid patients in pediatric nursing facilities. The Division of Medical Services finds that, due to the healthy national and state economy and the low unemployment rate, these per-diem rate adjustments are necessary on an emergency basis. Failure to implement these adjustments may result in diminished nursing facility services to Medicaid patients in pediatric nursing facilities. Therefore, the Division of Medical Services finds an immediate danger to public health which requires emergency action. The Division of Medical Services also finds that this emergency amendment is necessary to preserve a compelling governmental interest that requires an early effective date. This emergency amendment limits its scope to the circumstances creating the emergency and complies with the protections extended by the Missouri and United States Constitutions. Therefore, the Division believes this emergency amendment to be fair to all interested persons and parties under the circumstances. Emergency amendment filed September 20, 1999, effective October 1, 1999, expires March 29, 2000.*

(3) General Principles.

(E) The Medicaid per-diem rate shall be the lesser of—

1. The average private pay rate;

2. The Medicare (Title XVIII) per-diem rate, if applicable;

3. The per-diem rate as determined in accordance with section (11); or

4. The level-of-care ceiling. *[The level-of-care ceiling in effect on December 1, 1992, shall be the weighted average Medicaid-allowable cost for all participating pediatric nursing facilities as determined from their 1991 cost report. This weighted average amount is two hundred twenty dollars and ninety-nine cents (\$220.99). On and after July 1, 1993, the level-of-care ceiling shall be increased by the same percent amount that long-term care (LTC) facilities in 13 CSR 70-10.010 receive prospectively as a trend factor.] Effective July 1, 1999, the level-of-care ceiling shall be the weighted average Medicaid allowable cost for all participating pediatric nursing facilities as determined from their 1992 cost reports adjusted by the same percentages stated in 13 CSR 70-10.015 for 1992 cost reports and any negotiated trend factors effective through July 1, 1999. The weighted average rate is three hundred twenty-one dollars and forty five cents (\$321.45) as of July 1, 1999. The level-of-care ceiling shall be adjusted by the negotiated trend factor given in subsection (13)(A) or any global adjustment in section (13) of 13 CSR 70-10.015.*

*AUTHORITY: sections 208.153, 208.159 and 208.201, RSMo 1994. Original rule filed Sept. 26, 1989, effective Feb. 11, 1990. For intervening history, please consult the Code of State Regulations. Amended: Filed May 27, 1999. Emergency amendment filed Sept. 20, 1999, effective Oct. 1, 1999, expires March 29, 2000.*

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—Division of Medical Services  
Chapter 10—Nursing Home Program**

**EMERGENCY AMENDMENT**

**13 CSR 70-10.080 Prospective Reimbursement Plan for HIV Nursing Facility Services.** The division is amending section (13).

*PURPOSE: This amendment outlines how the Fiscal Year 2000 trend factor will be applied to adjust per diem rates for HIV nursing facilities participating in the Medicaid program.*

*EMERGENCY STATEMENT: This emergency amendment is necessary to implement the increased reimbursement to providers of HIV nursing facility services included in the Appropriations Bill enacted by the Legislature for State Fiscal Year 2000. The appropriation reflects the increased cost of providing HIV nursing facility services and is dispersed in the form of an increase to the providers' per diem rates. It must be implemented on a timely basis to ensure that quality nursing facility services continue to be provided to Medicaid patients in HIV nursing facilities. The Division of Medical Services finds that, due to the healthy national and state economy and the low unemployment rate, these per-diem rate adjustments are necessary on an emergency basis. Failure to implement these adjustments may result in diminished nursing facility services to Medicaid patients in HIV nursing facilities. Therefore, the Division of Medical Services finds an immediate danger to public health which requires emergency action. The Division of Medical Services also finds that this emergency amendment is necessary to preserve a compelling governmental interest that requires an early effective date. This emergency amendment limits its scope to the circumstances creating the emergency and*

*complies with the protections extended by the Missouri and United States Constitutions. Therefore, the Division believes this emergency amendment to be fair to all interested persons and parties under the circumstances. Emergency amendment filed September 20, 1999, effective October 1, 1999, expires March 29, 2000.*

(13) Adjustments to the Reimbursement Rates. Subject to the limitations prescribed elsewhere in this regulation, a facility's reimbursement rate may be adjusted as described in this section.

(A) Global Per-Diem Rate Adjustments. A facility with either an interim rate or a prospective rate may qualify for the global per-diem rate adjustments. Global per-diem rate adjustments shall be added to the specified cost component ceiling.

1. Minimum wage adjustment. All facilities with either an interim rate or a prospective rate in effect on September 1, 1997, shall be granted an increase to their per diem effective September 1, 1997, of one dollar and ninety-eight cents (\$1.98) to allow for the change in minimum wage. Utilizing Fiscal Year 1995 cost report data, the total industry hours reported for each payroll category was multiplied by the forty cent (40¢) increase, divided by the patient days for the facilities reporting hours for that payroll category and factored up by 8.67% to account for the related increase to payroll taxes. This calculation excludes the director of nursing, the administrator and assistant administrator.

2. FY-98 negotiated trend factor.

A. Facilities with either an interim rate or prospective rate in effect on October 1, 1997, shall be granted an increase to their per diem effective October 1, 1997, of 3.4% of the cost determined in paragraphs (11)(A)1., (11)(B)1., (11)(C)1. and the property insurance and property taxes detailed in paragraph (11)(D)3. of this regulation; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. that is in effect on October 1, 1995, shall have their increase determined by subsection (3)(S) of this regulation.

3. FY-99 negotiated trend factor.

A. Facilities with either an interim rate or prospective rate in effect on October 1, 1998, shall be granted an increase to their per diem effective October 1, 1998, of 2.1% of the cost determined in paragraphs (11)(A)1., (11)(B)1., (11)(C)1., the property insurance and property taxes detailed in paragraph (11)(D)3. of this regulation and the minimum wage adjustment detailed in paragraph (13)(A)1.; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. that is in effect on October 1, 1998, shall have their increase determined by subsection (3)(S) of this regulation.

4. FY-2000 negotiated trend factor.

A. Facilities with either an interim rate or prospective rate in effect on July 1, 1999, shall be granted an increase to their per diem effective July 1, 1999, of 1.94% of the cost determined in subsections (11)(A), (11)(B), (11)(C), the property insurance and property taxes detailed in paragraph (11)(D)3. and the minimum wage adjustment detailed in paragraph (13)(A)1. of this regulation; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. that is in effect on July 1, 1999, shall have their increase determined by subsection (3)(S) of this regulation.

*AUTHORITY: section 208.153, RSMo 1994. Original rule filed Aug. 1, 1995, effective March 30, 1996. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 30, 1999. Emergency amendment filed Sept. 20, 1999, effective Oct. 1, 1999, expires March 29, 2000.*

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—Division of Medical Services  
Chapter 10—Nursing Home Program**

**EMERGENCY AMENDMENT**

**13 CSR 70-10.110 Nursing Facility Reimbursement Allowance.**  
The division is amending sections (1) and (2).

*PURPOSE: This amendment provides for the Nursing Facility Reimbursement Allowance of \$7.04, effective October 1, 1999.*

*EMERGENCY STATEMENT: This emergency amendment is necessary to implement the increased Nursing Facility Reimbursement Allowance (NFRA) for providers of nursing facility services for State Fiscal Year 2000. It must be implemented on a timely basis to ensure that quality nursing facility services continue to be provided to over 26,500 Medicaid patients in nursing facilities. The Division of Medical Services finds that, due to the healthy national and state economy and the low unemployment rate, these per-diem rate adjustments are necessary on an emergency basis. Failure to implement these adjustments may result in diminished nursing facility services to Medicaid patients in nursing facilities. Therefore, the Division of Medical Services finds an immediate danger to public health which requires emergency action. The Division of Medical Services also finds that this emergency amendment is necessary to preserve a compelling governmental interest that requires an early effective date. This emergency amendment limits its scope to the circumstances creating the emergency and complies with the protections extended by the Missouri and United States Constitutions. Therefore, the Division believes this emergency amendment to be fair to all interested persons and parties under the circumstances. Emergency amendment filed September 20, 1999, effective October 1, 1999, expires March 29, 2000.*

(1) Nursing Facility Reimbursement Allowance (NFRA). NFRA shall be assessed as described in this section.

(B) Each nursing facility, except any nursing facility operated by the Department of Mental Health, engaging in the business of providing nursing facility services in Missouri shall pay a Nursing Facility Reimbursement Allowance (NFRA). The NFRA rates shall be calculated by the department *[on an annual basis, as detailed below, and is effective from October 1 through September 30, except for the initial NFRA implemented January 1, 1995, effective January 1, 1995 through September 30, 1995. The NFRA rates for each year]* and are included in section (2) NFRA *[r/Rates]*.

(2) NFRA Rates. The NFRA rates determined by the division, as set forth in (1)(B) above, are as follows:

(A) The NFRA will be two dollars and seventy-six cents (\$2.76) per patient occupancy day for the period January 1, 1995 through September 30, 1995, and collected over nine (9) months (February 1995 through October 1995);

(B) The NFRA will be three dollars and fifty-five cents (\$3.55) per patient occupancy day for the period October 1, 1995 through September 30, 1996, and collected over twelve (12) months (November 1995 through October 1996);

(C) The NFRA will be five dollars and thirty cents (\$5.30) per patient occupancy day for the period October 1, 1996 through September 30, 1997, and collected over twelve (12) months (November 1996 through October 1997);

(D) The NFRA will be five dollars and eighty-eight cents (\$5.88) per patient occupancy day for the period October 1, 1997 through September 30, 1998, and collected over twelve (12) months (November 1997 through October 1998); and

(E) The NFRA will be five dollars and eighty-eight cents (\$5.88) per patient occupancy day for the period October 1, 1998

through September 30, 1999, and collected over twelve (12) months (November 1998 through October 1999).

**(F) The NFRA will be seven dollars and four cents (\$7.04) per patient occupancy day, effective October 1, 1999.**

*AUTHORITY: sections 198.401, 198.403, 198.406, 198.409, 198.412, 198.416, 198.418, 198.421, 198.424, 198.427, 198.431, 198.433 and 198.436, RSMo [Supp. 1997] Supp. 1998 and 208.201, RSMo 1994. Emergency rule filed Dec. 21, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency rule filed April 21, 1995, effective May 1, 1995, expired Aug. 28, 1995. Original rule filed Dec. 15, 1994, effective July 30, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 30, 1999. Emergency amendment filed Sept. 20, 1999, effective Oct. 1, 1999, expires March 29, 2000.*



**U**nder this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

**E**ntirely new rules are printed without any special symbolology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

**A**n important function of the *Missouri Register* is to solicit and encourage public participation in the rule-making process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

**I**f an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least 30 days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than 30 days after publication of the notice in the *Missouri Register*.

**A**n agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the 90-day-count necessary for the filing of the order of rulemaking.

**I**f an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than 30 days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

**Boldface text indicates new matter.**

*[Bracketed text indicates matter being deleted.]*

## Title 1—OFFICE OF ADMINISTRATION Division 10—Commissioner of Administration Chapter 15—Cafeteria Plan

### PROPOSED AMENDMENT

**1 CSR 10-15.010 Cafeteria Plan.** The Office of Administration is amending the rule on the cafeteria plan by changing Appendix A, section 3.01, Appendix C, section 6.01, and section 6.03.

**PURPOSE:** *This rule is being amended to comply with new COBRA regulations.*

(2) The commissioner of administration shall maintain the cafeteria plan, the dependent care assistance plan and the flexible medical

benefits plan, in written form, denominated as the Missouri State Employees' Cafeteria Plan (Appendix A), the Missouri State Employees' Dependent Care Assistance Plan (Appendix B) and the Missouri State Employees' Flexible Medical Benefits Plan (Appendix C), **which are incorporated in this rule by reference**, for Plan Year 1998 and years following.

**AUTHORITY:** *section 33.103, RSMo [1994] Supp. 1999. Original rule filed March 15, 1988, effective June 1, 1988. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 15, 1999.*

**PUBLIC ENTITY COST:** *This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

**PRIVATE ENTITY COST:** *This proposed amendment will not cost private entities more than \$500 in the aggregate.*

**NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Accounting, Jack Dothage, Assistant Director, Truman State Office Building, 5th Floor, Jefferson City, MO 65101, (573) 751-3289. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## APPENDIX A MISSOURI STATE EMPLOYEES' CAFETERIA PLAN

The State of Missouri through the Office of Administration hereby amends and restates the Missouri State Employees' Cafeteria Plan (hereinafter called the MSECP) effective January 1, **[1999] 2000**. The MSECP shall be in the form of a trust established by the State of Missouri for public employees of the state who participate in the MSECP. The provisions of the MSECP, as set forth in this document and the attendant documents for the Missouri State Employees' Dependent Care Assistance Plan (Appendix B, hereinafter called the MSEDCA) and the Missouri State Employees' Flexible Medical Benefits Plan (Appendix C, hereinafter called the MSEFMBP), shall be applicable to each employee of the State of Missouri who elects to participate in the MSECP beginning with Plan Year **[1999] 2000**.

## ARTICLE THREE ELIGIBILITY AND PARTICIPATION

3.01 The MSECP does not apply to any individual who terminated employment with the employer prior to the effective date of this amended and restated MSECP (January 1, **[1999] 2000**) unless such individual becomes reemployed by the employer on or after such effective date.

## APPENDIX C MISSOURI STATE EMPLOYEES' FLEXIBLE MEDICAL BENEFITS PLAN

## ARTICLE SIX CONTINUATION COVERAGE

6.01 In accordance with Section 42 *United States Code* 300bb, and notwithstanding any other provision in the MSEFMBP, a participant or his/her spouse or dependent may **be eligible to** elect to continue the coverage *[elected]* under the MSEFMBP though the participant's election to receive benefits expired or was terminated, under the following circumstances:

- (a) Death of the participant;
- (b) Termination (other than for gross misconduct) or reduction of hours of the participant;
- (c) Divorce or legal separation of the participant; and
- (d) A dependent child ceasing to be a dependent child under the terms of this plan.

The right to continuation coverage shall only be available if on the date of the qualifying event the participant's remaining benefits for the current plan year are greater than the participant's remaining premium payments.

6.03 A premium may be charged to the participant, spouse or dependent, as the case may be, for any period of continuation coverage equal to not more than one hundred two percent (102%) of the cost of providing coverage for the period to similarly situated participants, spouses or dependents. Any additional premium amount in excess of one hundred percent (100%) of the cost of providing coverage for the period to similarly situated participants, spouses or dependents, shall not be credited to the participant's account and shall be treated as an additional administrative charge. *[Continuation coverage will extend for a period of not more than thirty-six (36) months (eighteen (18) months if the participant terminates or is terminated from employment or reduces or has his/her hours reduced so as no longer to be a participant) but may extend for a shorter period of time if:*

(a) *The employer ceases to provide any group health plan to any employee;*

(b) *The premiums described above are not paid within thirty (30) days of their due date; or*

(c) *A party electing continuation coverage becomes covered under another group health plan or entitled to Medicare benefits. Continuation coverage shall be provided in accordance with the requirements of Section 42 U.S.C. 300bb, all of which requirements are incorporated herein by reference.] Continuation coverage will not extend beyond the end of the current plan year. However, coverage may terminate earlier if:*

(a) *The employer ceases to provide any medical reimbursement plan to any employee;*

(b) *The premiums described above are not paid within thirty (30) days of their due date; or*

(c) *A party electing continuation coverage becomes covered under another group health plan or entitled to Medicare benefits.*

Continuation coverage shall be provided in accordance with the requirements of Section 42 U.S.C. 300bb, all of which requirements are incorporated herein by reference.

**Title 1—OFFICE OF ADMINISTRATION**  
**Division 20—Personnel Advisory Board and Division of Personnel**  
**Chapter 5—Working Hours, Holidays and Leaves of Absence**

**PROPOSED AMENDMENT**

**1 CSR 20-5.010 Hours of Work and Holidays.** The board is amending subsections (2)(C) and (D).

*PURPOSE: The board is amending this rule to incorporate changes necessary as a result of the new SAM II HR system and other changes suggested by employees or agencies.*

(2) Holidays shall be governed by the following provisions:

(C) An employee shall be credited for a holiday only if it falls during the employee's period of employment and the employee is in pay status. An employee whose effective date of appointment or

return to pay status is before or on the day of a holiday shall receive credit for the holiday. An employee whose appointment or return to pay status is effective after a holiday will receive no credit for the holiday, except when the holiday occurs at the start of a month and the employee's appointment or return to pay status is effective the first scheduled working day following the holiday. *[An employee shall not receive credit for a holiday which occurs after s/he has ceased active duty preliminary to separation from the service.] A terminating full-time employee shall receive credit for a holiday if s/he is in pay status through the last scheduled working day before the holiday and has worked an amount of time during the semi-monthly pay period;*

(D) All full-time employees, regardless of *[that]* schedule, shall receive credit for the same number of paid holidays as employees whose regular work schedule is Monday through Friday. Part-time employees who are in pay status *[from eighty to one hundred nineteen (80–119)]* **forty (40) hours but less than sixty (60) hours in a [month] semi-monthly pay period**, including one-half (1/2) credit for those eligible holidays, shall receive one-half (1/2) credit, and those employees who are in pay status *[from one hundred twenty to one hundred fifty-nine (120–159)]* **sixty (60) hours but less than eighty (80) hours in a [month] semi-monthly pay period**, including three-fourths (3/4) credit for those eligible holidays, shall receive three-fourths (3/4) credit. Part-time employees who are in pay status *[one hundred sixty (160)]* **eighty (80) or more hours in a [month] semi-monthly pay period**, including full credit for those eligible holidays, shall receive full credit. Other part-time employees who are scheduled to work less than forty (40) hours in a semi-monthly pay period or who are paid on a per-diem basis are not entitled to compensation or credit for holidays not worked. **A terminating part-time employee shall receive pro-rated credit for a holiday as described in this section, if s/he is in pay status through the last scheduled working day before the holiday and has worked an amount of time during the semi-monthly pay period;**

*AUTHORITY: section 36.070, RSMo [1986] Supp. 1998. Original rule filed Aug. 20, 1947, effective Aug. 30, 1947. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 15, 1999.*

*PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment is scheduled at 1:00 p.m., Tuesday, December 14, 1999, in Room 400 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri. Comments would be directed to the Director of Personnel, Office of Administration, P.O. Box 388, Jefferson City, MO 65102.*

**Title 1—OFFICE OF ADMINISTRATION**  
**Division 20—Personnel Advisory Board and Division of Personnel**  
**Chapter 5—Working Hours, Holidays and Leaves of Absence**

**PROPOSED AMENDMENT**

**1 CSR 20-5.015 Definition of Terms.** The board is adding subsection (1)(F) and amending subsections (2)(B) and (3)(B).

**PURPOSE:** *The board is amending this rule to revise definitions affected by the implementation of the SAM II HR system and to include service in agencies whose employees are state employees by statute.*

(1) The following words and terms, used with specific intent throughout this rule and 1 CSR 20-5.020 or in their administration, are defined for clarity:

(D) Sick leave accrual is the accumulation of hours of eligibility for paid time off from work conferred upon an eligible employee as a benefit by the state for specific purposes and under specific conditions that are set forth in 1 CSR 20-5.020(2); *[and]*

(E) Paid time off from work authorized by the state and conferred upon the employee by the appointing authority and solely at the discretion of the appointing authority for the purpose deemed appropriate and in the best interest of the state may be called administrative leave~~/.~~; **and**

(F) **A semi-monthly pay period or semi-month is that period of one-half (1/2) of a calendar month established by the Office of Administration as the pay cycle for state employees.**

(2) For the purposes of leaves of absence as set out in 1 CSR 20-5.020, state service time shall be defined as—

(B) Time of state paid employment in the Offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, Treasurer, Attorney General, Houses of the Missouri State Legislature, *[and with]* the Missouri State Judiciary, **Missouri State Courts Administrator, Missouri Consolidated Health Care Plan and Missouri State Employees' Retirement System**, shall be recognized and accepted as time of state service for the purposes of eligibility for and accrual of paid leaves of absences; **and**

(3) For the purposes of leaves of absence as set out in 1 CSR 20-5.020, an eligible employee shall be defined as—

(B) Any state paid employee of elected state officials, specifically employees of the Offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, Treasurer, Attorney General, Houses of the Missouri State Legislature, the Missouri State Judiciary, **Missouri State Courts Administrator, Missouri Consolidated Health Care Plan, Missouri State Employees' Retirement System** and other state funded public entities, shall be considered eligible employees under 1 CSR 20-5.020 upon submission of written certification of adherence to the provisions of 1 CSR 20-5.020 and acceptance by the Personnel Advisory Board of the public entity for coverage under the rule.

**AUTHORITY:** *sections 36.060, [RSMo Supp. 1993] and 36.070, RSMo [1986] Supp. 1998. Original rule filed July 21, 1994, effective Feb. 26, 1995. Amended: Filed Sept. 15, 1999.*

**PUBLIC ENTITY COST:** *This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

**PRIVATE ENTITY COST:** *This proposed amendment will not cost private entities more than \$500 in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *A public hearing on this proposed amendment is scheduled at 1:00 p.m., Tuesday, December 14, 1999, in Room 400 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri. Comments would be directed to the Director of Personnel, Office of Administration, P.O. Box 388, Jefferson City, MO 65102.*

**Title 1—OFFICE OF ADMINISTRATION  
Division 20—Personnel Advisory Board and Division of Personnel  
Chapter 5—Working Hours, Holidays and Leaves of Absence**

**PROPOSED AMENDMENT**

**1 CSR 20-5.020 Leaves of Absence.** The board is amending sections (1), (2), (5) and (8).

**PURPOSE:** *The board is amending this rule to incorporate changes resulting from the implementation of the SAM II HR system and other changes suggested by employees or agencies or required by statutory change.*

(1) Annual leave or vacation with pay shall be governed by the following provisions:

(A) Employees who are employed on a full-time basis in positions of a continuing or permanent nature shall be entitled to annual leave or vacation with full pay computed at the rate of *[ten (10)] five (5) hours for each [calendar] semi-month of service in which they are in pay status for [one hundred sixty (160)] eighty (80) or more hours, until they complete ten (10) years of total state service.*

1. Employees who have completed ten (10) years of total state service shall earn annual leave at the rate of *[twelve (12)] six (6) hours per semi-month. Employees who have completed fifteen (15) years of total state service shall earn annual leave at the rate of [fourteen (14)] seven (7) hours per semi-month.*

2. For purposes of this rule, any **semi-monthly period** during which an employee is eligible to earn any annual leave credit under this and subsequent sections shall be a **semi-month** of state service. Annual leave will be credited *[at the rate of one-half (1/2) the full-time accrual rate] on payday and cannot be used prior to that date. Leave shall be calculated based on the ratio expressed as a percent that the number of hours worked between forty (40) and eighty (80) bears to eighty (80) hours, for semi-months in which the employee is in pay status. [from eighty to one hundred nineteen (80–119) hours and three-fourths (3/4) the full-time rate for months in which they are in pay status from one hundred twenty to one hundred fifty-nine (120–159) hours.]*

3. Annual leave shall not be credited to employees who have ceased active duty preliminary to separation from the state service.

4. Except when granted in accordance with subsection (1)(E), annual leave or vacation with pay shall be granted at the times public service will best permit and only on written application approved by the appointing authority~~/.~~.

5. Annual leave shall not be credited to any employee while on a paid leave of absence for educational purposes when that leave is for a period of three (3) or more months;

(D) At the end of any *[calendar] semi-month*, unliquidated accumulation of annual leave which exceeds *[twenty-four (24)] forty-eight (48) times that employee's current full-time semi-monthly accrual rate* shall lapse and credit for the excess leave shall not be carried forward to the next calendar month;

(2) Sick leave shall be governed by the following provisions:

(B) Employees who are employed on a full-time basis in positions of a continuing or permanent nature shall be allowed sick leave with full pay computed at the rate of *[ten (10)] five (5) hours for each [calendar] semi-month of service in which they are in pay status for [one hundred sixty (160)] eighty (80) or more hours. Sick leave will be credited [at the rate of one-half (1/2) the full-time accrual rate] on payday and cannot be used prior to that date. Leave shall be calculated based on the ratio expressed as a percent that the number of hours worked*

between forty (40) and eighty (80) bears to eighty (80) hours, for semi-months in which they are in pay status. *[from eighty to one hundred nineteen (80–119) hours and three-fourths (3/4) the full-time rate for months in which they are in pay status from one hundred twenty to one hundred fifty-nine (120–159) hours.]*

1. Sick leave shall not be credited to employees who have ceased active duty preliminary to separation from the state service.

2. In all cases where an employee has been absent on sick leave, the employee immediately upon return to work shall submit a statement in a form the appointing authority may require indicating that the absence was due to illness, disease, disability or other causes for which sick leave is allowed under these rules. The appointing authority shall establish and advise employees of required procedures for initial and continuing notification by the employee to the appointing authority regarding absence due to illness and for submission of a written request for allowance of sick leave together with proof of illness as the appointing authority deems necessary.

3. Sick leave shall not be credited to any employee while on a paid leave of absence for educational purposes when that leave is for a period of three (3) or more months;

**(L) When an employee's personal care and attention is required in connection with the adoption of a child, loss of time that is supported by appropriate documentation will be referred to as adoption leave. Such leave may be charged against the employee's accumulated sick leave. The final decision concerning the granting of leave under this section shall rest with the appointing authority and shall be based upon the degree to which the employee is responsible for providing personal care and attention.**

(5) Leave for disaster relief shall be governed by the following provisions:

(D) An employee who returns to work from disaster relief shall be placed into his/her former position; *[and]*

(E) No more than twenty-five (25) full-time state employees may be absent in any state fiscal year. Each employee is subject to a cap of fifteen (15) calendar days per fiscal year of disaster relief leave.*./ ; and*

**(F) Upon written order of the governor, additional employees, who have not been absent on other disaster leave this fiscal year, not to exceed twenty-five (25) full-time equivalent state employees, may be granted leave pursuant to this section to participate in specialized disaster relief services for disasters occurring within the state.**

(8) Time off with compensation shall be governed by the following provisions:

(B) With the approval of the appointing authority, an employee may be granted time off from duty, with compensation, for any of the following reasons:

1. Attendance at professional conferences, institutes or meetings when attendance, in the opinion of the appointing authority, may be expected to contribute to the betterment of the service. Proof of actual attendance at these meetings may be required by the appointing authority;

2. Attendance at in-service training and other courses designed to improve the employee's performance or to prepare the employee for advancement;

3. Absence, not to exceed five (5) consecutive workdays, due to the bereavement of an employee as a result of the death of the employee's spouse, child, sibling, parent, **step-parent**, grandparent or grandchild, and spouse's child, **sibling**, parent, **step-parent**, grandparent or grandchild, or a member of the employee's household. The final decision concerning the applicability and length of such leave under this section shall rest with the appointing authority. Other absences due to the death of loved ones, when approved by the appointing authority, shall be charged to an employee's accumulated annual or compensatory leave; *[and]*

**4. Leaves of absence for volunteers tutoring in a formal tutoring or mentoring program as defined in Chapter 536, RSMo; and**

*[4.]* 5. Because of extraordinary reasons sufficient in the opinion of the appointing authority to warrant such time off with compensation.

*AUTHORITY: section 36.070, RSMo [Supp. 1997] Supp. 1998. Original rule filed Aug. 20, 1947, effective Aug. 30, 1947. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 15, 1999.*

*PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment is scheduled at 1:00 p.m., Tuesday, December 14, 1999, in Room 400 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri. Comments would be directed to the Director of Personnel, Office of Administration, P.O. Box 388, Jefferson City, MO 65102.*

## Title 1—OFFICE OF ADMINISTRATION Division 20—Personnel Advisory Board and Division of Personnel Chapter 5—Working Hours, Holidays and Leaves of Absence

### PROPOSED AMENDMENT

**1 CSR 20-5.025 ShareLeave.** The board is amending subsection (1)(C).

*PURPOSE: The board is amending this rule to incorporate changes suggested by employees or agencies.*

(1) The state agencies that are covered under section 36.350, RSMo, may establish ShareLeave programs within their agencies for employees to donate leave to other employees. These programs may be established under the conditions set out within the following regulations:

(C) Annual leave as defined by 1 CSR 20-5.020(1) may be donated between employees. **Overtime or compensatory time as defined by 1 CSR 20-5.010(1)(C), (D), and (E) and 1 CSR 20-5.10(2)(E) may be donated between employees.** Sick leave benefits, which are a grant from the employer and in no sense the property of individuals, may not be donated;

*AUTHORITY: sections 36.060 and 36.070, RSMo [1994] Supp. 1998. Original rule filed Oct. 31, 1996, effective May 30, 1996. Amended: Filed Sept. 15, 1999.*

*PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment is scheduled at 1:00 p.m., Tuesday, December 14, 1999, in Room 400 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri. Comments would be directed to*

the Director of Personnel, Office of Administration, P.O. Box 388,  
Jefferson City, MO 65102.

**Title 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 4—Wildlife Code: General Provisions**

**PROPOSED AMENDMENT**

**3 CSR 10-4.115 Special Regulations for Department Areas.**  
The Department of Conservation proposes to amend subsections  
(1)(B) and (P).

*PURPOSE: This amendment changes the closed hours at  
Springfield Conservation Nature Center, and the fishing opportu-  
nities and methods in individual lakes on Otter Slough  
Conservation Area.*

(1) The special regulations in this rule apply on all lands and  
waters (referred to as areas) owned, leased or managed under for-  
mal cooperative agreement by the Department of Conservation.  
The director may issue temporary written exceptions to provisions  
of this rule for emergency or special events and for other compat-  
ible uses.

(B) Closed Hours. All areas are closed to public use from 10:00  
p.m. to 4:00 a.m. daily; however, hunting, fishing, trapping, dog  
training, camping, launching boats and landing boats are permit-  
ted at any time on areas where these activities are authorized,  
except as further restricted in this rule. Parking or storage of water-  
craft and commercial vehicles is prohibited during the closed  
hours.

*PUBLISHER'S NOTE: Paragraphs (1)(B)1.-5. remain as pub-  
lished in the Code of State Regulations.*

6. On Bellefontaine Conservation Area, Conservation  
Commission Headquarters, Powder Valley Conservation Nature  
Center[,] and Runge Conservation Nature Center [and  
Springfield Conservation Nature Center], all public use is  
prohibited from 8:00 p.m. to 6:00 a.m. daily from April 1 to  
October 31, and from 6:00 p.m. to 6:00 a.m. daily from  
November 1 to March 31, except as otherwise provided.

**7. On Springfield Conservation Nature Center, all public  
use is prohibited from 9:00 p.m. to 6:00 a.m. daily from  
March 1 to October 31, and from 6:00 p.m. to 6:00 a.m. daily  
from November 1 to February 28, except that specifically  
authorized meetings, programs and special events are permit-  
ted at any time on the area.**

[7.] **8. On Rockwoods Range and Rockwoods Reservation, all  
public use is prohibited from one-half (1/2) hour after sunset to  
sunrise daily.**

(P) Fishing. Fishing, under statewide seasons, methods and lim-  
its, is permitted, except as further restricted in this rule.

1. Fishing may be further restricted on designated portions of  
conservation areas.

2. Fishing is prohibited on the following conservation areas or  
individually named lakes:

- A. Allred Lake Natural Area
- B. Rudolf Bennett Lake
- C. Robert L. Blattner
- D. Burr Oak Woods
- E. Jerry P. Combs Lake
- [F. Cypress Lake]
- [G.] F. Gama Grass Prairie
- [H.] G. Gay Feather Prairie
- [I.] H. Charles W. Green
- [J.] I. Happy Holler Lake
- [K.] J. Hunkah Prairie

- [L.] K. Little Osage Prairie
- [M.] L. Chloe Lowry Marsh Natural Area
- [N.] M. Mo-Ko Prairie
- [O.] N. Mon-Shon Prairie
- [P.] O. Mount Vernon Prairie
- [Q.] P. Niawathe Prairie
- [R.] Q. Pawhuska Prairie
- [S.] R. Powder Valley Conservation Nature Center
- [T.] S. Springfield Conservation Nature Center
- [U.] T. Turtle Rock Lake
- [V.] U. Tzi-Sho Prairie
- [W.] V. Wah-Kon-Tah Prairie (only on portion owned by  
The Nature Conservancy)

[X.] W. Wah-Sha-She Prairie

[Y.] X. Henry J. Waters II and C. B. Moss Memorial  
Wildlife Area

3. On all impounded waters, fish may be taken only with pole  
or rod with attached line and not more than three (3) poles or rods  
with attached line may be used by one (1) person at any time,  
except as further provided in this rule.

A. On Forest Lake, Montrose Conservation Area, Schell-  
Osage Conservation Area, Ted Shanks Conservation Area and  
Thomas Hill Reservoir, fish may be taken with limb lines and bank  
lines.

B. Carp, buffalo, suckers and gar may be taken by gig,  
longbow or crossbow during statewide seasons on the following  
conservation areas or individually named lakes:

- (I) Atlanta
- (II) Bismarck
- (III) Blackjack Access
- (IV) Bob Brown
- (V) Cooley Lake
- (VI) Deer Ridge
- [(VII)] (VII) Deroin Bend
- (VIII) Duck Creek
- (IX) Eagle Bluffs
- (X) Connor O. Fewel
- (XI) Fountain Grove
- (XII) Four Rivers
- (XIII) Forest Lake
- (XIV) Franklin Island
- (XV) Grand Pass
- (XVI) Hunnewell Lake
- (XVII) King Lake
- (XVIII) Kings Prairie Access
- (XIX) Lake Paho
- (XX) Lamine River
- (XXI) B. K. Leach Memorial
- (XXII) Limpp Community Lake
- (XXIII) Little Compton Lake
- (XXIV) Locust Creek
- (XXV) Manito Lake
- (XXVI) Marais Temps Clair
- (XXVII) Nodaway Valley
- (XXVIII) Otter [Slough] Lake
- (XXIX) Peabody
- (XXX) Ralph and Martha Perry Memorial
- (XXXI) Haysler A. Poague
- (XXXII) Pony Express Lake
- (XXXIII) Rebel's Cove
- (XXXIV) Shell-Osage
- (XXXV) Henry Sever
- (XXXVI) Settle's Ford
- (XXXVII) Ted Shanks
- (XXXVIII) Thurnau
- (XXXIX) Truman Reservoir
- (XL) Wakonda State Park Lakes
- (XLI) Worth County Community Lake

(XLII) Worthwine Island

**PUBLISHER'S NOTE:** Paragraphs (1)(P)4.-14. remain as published in the *Code of State Regulations*.

**AUTHORITY:** sections 40 and 45 of Art. IV, Mo. Const. This version of rule filed Dec. 15, 1975, effective Dec. 27, 1975. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Aug. 11, 1999.

**PUBLIC ENTITY COST:** This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

**PRIVATE ENTITY COST:** This proposed amendment will not cost private entities more than \$500 in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 4—Wildlife Code: General Provisions**

**PROPOSED AMENDMENT**

**3 CSR 10-4.116 Special Regulations for Areas Owned by Other Entities.** The Department of Conservation proposes to amend subsection (2)(D).

**PURPOSE:** This amendment establishes or modifies fishing seasons and limits on certain areas as the result of spring sampling surveys—all to enhance and protect fish populations.

(2) The special regulations in this section apply on all lands and waters included in the department's Urban Fishing Program and Community Assistance Program.

(D) Fishing. Fishing, under statewide seasons, methods and limits, is permitted except as further restricted in this section.

**PUBLISHER'S NOTE:** Paragraphs (2)(D)1.-5. remain as published in the *Code of State Regulations*.

6. Statewide daily limits shall apply for all species, except as follows:

A. The daily limit for black bass is two (2) on the following lakes:

- (I) Ballwin (New Ballwin Lake, Vlasik Park Lake)
- (II) Bridgeton (Kiwanis Lake)
- (III) Butler City Lake
- (IV) California (Proctor Park Lake)
- (V) Columbia (Twin Lake)
- (VI) Concordia (Edwin A. Pape Lake)
- (VII) Ferguson (January-Wabash Lake)
- (VIII) Higginsville City Lake
- (IX) Jackson County (Alex George Lake, Bergan Lake, Bowlin Road Lake, Lake Jacomo, Prairie Lee Lake, Scherer Lake, Tarsney Lake, Wood Lake, Wyatt Lake)
- (X) Jefferson City (McKay Park Lake)
- (XI) Kirksville (Hazel Creek Lake)
- (XII) Kirkwood (Walker Lake)
- (XIII) Macon (Blees Lake)
- [(XIII)] (XIV) Mineral Area College (Quarry Pond)
- [(XIV)] (XV) Overland (Wild Acres Park Lake)

[(XV)] (XVI) Saint Louis City (Benton Park Lake, Boathouse Lake, Clifton Heights Park Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)

[(XVI)] (XVII) Saint Louis County (Bee Tree Lake, Bellefontaine Park Lake, Creve Coeur Lake, Queeny Park Lake, Simpson Lake, Spanish Lake, Sunfish Lake, Suson Park Lakes No. 1, 2 and 3, Tilles Park Lake, Veteran's Memorial Park Lake) (XVIII) University of Missouri (South Farm R-1 Lake)

[(XVIII)] (XIX) Warrensburg (Lion's Lake)

[(XIX)] (XX) Wentzville (Community Club Lake)

[(XX)] (XXI) Windsor (Farrington Park Lake)

**PUBLISHER'S NOTE:** Subparagraphs (2)(D)6.B.-H. remain as published in the *Code of State Regulations*.

7. Statewide length limits shall apply for all species, except that all black bass more than twelve inches (12") but less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught, except as follows:

A. All black bass less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught on the following lakes:

- (I) Bethany (Old Bethany City Reservoir)
- (II) Butler City Lake
- (III) California (Proctor Park Lake)
- (IV) Cameron (Reservoirs No. 1, 2 and 3, Grindstone Reservoir)
- (V) Carthage (Kellogg Lake)
- (VI) Concordia (Edwin A. Pape Lake)
- (VII) Dexter City Lake
- (VIII) Hamilton City Lake
- (IX) Harrison County Lake
- (X) Higginsville City Lake
- (XI) Holden City Lake
- (XII) Iron Mountain City Lake
- (XIII) Jackson (Rotary Park Lake)
- (XIV) Jackson County (Alex George Lake, Bergan Lake, Bowlin Road Lake, Lake Jacomo, Prairie Lee Lake, Scherer Lake, Tarsney Lake, Wood Lake, Wyatt Lake)
- (XV) Jefferson City (McKay Park Lake)
- (XVI) Lancaster City Lake
- (XVII) Maryville (Mozingo Lake)
- (XVIII) Mineral Area College (Quarry Pond)
- (XIX) Warrensburg (Lion's Lake)
- (XX) Windsor (Farrington Park Lake)
- (XXI) Unionville City Lake
- (XXII) University of Missouri (Dairy Farm Lake No. 1, and McCredie Lake [and South Farm R-1 Lake])

B. All black bass less than eighteen inches (18") total length must be returned to the water unharmed immediately after being caught on the following lakes:

- (I) Ballwin (New Ballwin Lake, Vlasik Park Lake)
- (II) Bridgeton (Kiwanis Lake)
- (III) Columbia (Twin Lake)
- (IV) Ferguson (January-Wabash Lake)
- (V) Kirksville (Hazel Creek Lake)
- (VI) Kirkwood (Walker Lake)
- (VII) Macon (Blees Lake)
- [(VII)] (VIII) Overland (Wild Acres Park Lake)
- [(VIII)] (IX) Saint Louis City (Benton Park Lake, Boathouse Lake, Clifton Heights Park Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)

~~[(X)]~~ (X) Saint Louis County (Bee Tree Lake, Bellefontaine Park Lake, Creve Coeur Lake, Queeny Park Lake, Simpson Lake, Spanish Lake, Sunfish Lake, Suson Park Lakes No. 1, 2 and 3, Tilles Park Lake, Veteran's Memorial Park Lake)

(XI) University of Missouri (South Farm R-1 Lake)

~~[(X)]~~ (XII) Wentzville (Community Club Lake)

C. All black bass more than fourteen inches (14") but less than eighteen inches (18") total length must be returned to the water unharmed immediately after being caught on LaBelle City Lake.

D. All white bass, striped bass and their hybrids less than twenty inches (20") total length must be returned to the water unharmed immediately after being caught on Cameron) Reservoir No. 3) and Saint Louis County (Creve Coeur Lake).

*[E. All bluegill less than ten inches (10") total length must be returned to the water unharmed immediately after being caught on University of Missouri (South Farm R-1 Lake).]*

*[F.]* E. All bluegill less than nine inches (9") total length must be returned to the water unharmed immediately after being caught on University of Missouri (Dairy Farm Lake No. 1 and McCredie Lake).

*[G.]* F. All channel catfish less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught on Macon City Lake and Marceline City Lake.

*[H.]* G. All flathead catfish less than twenty-four inches (24") total length must be returned to the water unharmed immediately after being caught on Concordia (Edwin A. Pape Lake), Higginsville City Lake and Saint Louis County (Bee Tree Lake, Sunfish Lake).

*[I.]* H. All muskellunge less than forty-two inches (42") total length must be returned to the water unharmed immediately after being caught *[in]* on Kirksville (Hazel Creek Lake).

*[J.]* I. All walleye less than eighteen inches (18") total length must be returned to the water unharmed immediately after being caught on Memphis (Lake Showme) and Maryville (Mozingo Lake).

8. Netting or trapping live bait is prohibited, except that on Concordia (Edwin A. Pape Lake), Jackson County (Lake Jacomo, Prairie Lee Lake) gizzard shad may be taken with dip net or throw net.

9. All trout must be returned to the water unharmed immediately after being caught and only flies, artificial lures and soft plastic baits (unscented) may be used from November 1 to January 31 on Kirkwood (Walker Lake), Overland (Wild Acres Park Lake) and Saint Louis County (Tilles Park Lake). Trout may not be possessed on these waters during this season.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed May 31, 1990, effective Dec. 31, 1991. For intervening history please consult the Code of State Regulations. Amended: Filed Aug. 11, 1999.*

*PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

### Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 4—Wildlife Code: General Provisions

#### PROPOSED AMENDMENT

**3 CSR 10-4.125 Inspection.** The Department of Conservation proposes to amend provisions of this rule.

*PURPOSE: This amendment provides for immediate authorization to use privileges that are purchased by telephone or through the Internet.*

Every person, business concern or organization possessing, taking, transporting or using the wildlife or forestry resources of this state in any manner shall permit any agent of the department or any peace officer to inspect his/her permit(s), or temporary permit authorization number(s), and picture identification; to inspect and count any wildlife in his/her possession; and to inspect any devices or facilities used in taking, attempting to take, possessing or transporting wildlife, subject to the provisions of section 252.100, RSMo in order that such officer may ascertain whether this Code or the statutes pertaining to wildlife or forestry are being violated. No person, business concern or organization shall refuse to permit such inspection, or interfere with any officer in such inspection.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 26, 1964, effective Dec. 31, 1964. For intervening history, please consult the Code of State Regulations. Amended: File Aug. 11, 1999.*

*PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

### Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 5—Wildlife Code: Permits for Hunting, Fishing, Trapping

#### PROPOSED AMENDMENT

**3 CSR 10-5.205 Permits Required; Exceptions.** The Department of Conservation proposes to amend subsections (1)(L)–(1)(O).

*PURPOSE: This amendment honors resident veterans with service-related disabilities or who were prisoners of war during military service by exempting them from selected hunting and fishing permit requirements.*

(1) Any person who chases, pursues, takes, transports, ships, buys, sells, possesses or uses wildlife in any manner must first obtain the prescribed hunting, fishing, trapping or other permit, or be exempted under 3 CSR 10-9.110, with the following exceptions:

(L) Any resident of Missouri having a visual acuity not exceeding 20/200 in the better eye with maximum correction, or having twenty degrees (20°) or less field of visual concentric contraction,

*[any honorably discharged resident veteran having a service related disability of sixty percent (60%) or greater,] and any resident who is so severely and permanently disabled as to be unable to move freely without the aid of a wheelchair, may take fish, live bait, clams, mussels, turtles and frogs as provided in Chapter 6 without permit (except trout permit or daily tag in areas where prescribed); provided, while fishing s/he carries a certified statement of eligibility from a licensed ophthalmologist or optometrist[, or from the Veterans Administration] or from a licensed physician.*

**(M) Any honorably discharged resident veteran having a service-related disability of sixty percent (60%) or greater, or who was a prisoner of war during military service, may take fish, live bait, clams, mussels, turtles and frogs as provided in Chapter 6 without permit (except trout permit or daily tag in areas where prescribed), and may take wildlife as provided in Chapter 7 without permit (except deer and turkey hunting permits and the Migratory Bird Hunting Permit as prescribed); provided, while hunting or fishing s/he carries a certified statement of eligibility from the Veterans Administration.**

*[(M)] (N) Any Missouri resident who is the owner of land that wholly encloses a body of water, or any member of his/her immediate household, may fish without permit in those waters. In the case of corporate ownership, this privilege shall apply to those corporate owners whose domicile is on such corporate-owned land.*

*[(N)] (O) Any person may fish without permit, trout permit and prescribed area daily tag during free fishing days. Free fishing days are the Saturday and Sunday following the first Monday in June.*

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 11, 1999.*

*PUBLIC ENTITY COST: This proposed amendment is estimated to cost the Department of Conservation \$49,470 per permit year in decreased revenue. A fiscal note containing a detailed estimate of cost of compliance has been filed with the secretary of state.*

*PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*



Title 3 - DEPARTMENT OF CONSERVATION  
Division 10 – Conservation Commission  
Chapter 5 - Wildlife Code: Permits for Hunting, Fishing, Trapping

FISCAL NOTE  
PUBLIC ENTITY COSTS

Proposed Amendment:      **3 CSR 10-5.205 Permits Required; Exceptions**

Prepared:                      July 30, 1999 by Department of Conservation

Affected Public Entities:    Department of Conservation

Honoring resident veterans with service-related disabilities by exempting them from hunting permit requirements is expected to cost the Department of Conservation approximately \$34,650; honoring resident veterans who were prisoners of war during military service by exempting them from hunting and fishing permit requirements is expected to cost the Department of Conservation approximately \$14,820.

<u>CLASSIFICATION</u>	<u>ANNUAL COST<sup>1</sup></u>	<u>FIVE-YEAR AGGREGATE COST<sup>2</sup></u>
DECREASE IN STATE REVENUE:		
(from resident veterans)	(3,850 x \$9) = \$34,650	\$173,250
	(780 x \$19) = \$14,820	\$74,100
	<u>- \$49,470</u>	<u>- \$247,350</u>

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<sup>1</sup> Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

<sup>2</sup> Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

**Title 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 5—Wildlife Code: Permits for Hunting,**  
**Fishing, Trapping**

**PROPOSED AMENDMENT**

**3 CSR 10-5.210 Permits to be Signed and Carried.** The Department of Conservation proposes to amend provisions of this rule.

*PURPOSE: This amendment provides for immediate authorization to use privileges that are purchased by telephone or through the Internet.*

All permits and method exemptions shall be signed and carried by the permittee. Permits, or temporary permit authorization number(s), and method exemptions shall be exhibited to any officer charged with the enforcement of this Code, or to any transportation company or postal employee when presenting wildlife for shipment.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This version of rule filed Sept. 19, 1957, effective Dec. 31, 1957. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 11, 1999.*

*PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 5—Wildlife Code: Permits for Hunting,**  
**Fishing, Trapping**

**PROPOSED AMENDMENT**

**3 CSR 10-5.215 Permits and Privileges: How Obtained; Not Transferable.** The Department of Conservation proposes to amend section (5).

*PURPOSE: This amendment provides for immediate authorization to use privileges that are purchased by telephone or through the Internet.*

(5) Permits are nontransferable and are valid from date of purchase through the last day of February of the prescribed permit year; except the Migratory Bird Hunting Permit shall be valid through March 10, and the Resident Trapping Permit and Nonresident Furbearer Hunting and Trapping Permit shall be valid through April 10. Except as provided for permits purchased by telephone or through the Internet, no affidavit, receipt or other document may be issued or used in lieu of the required permit. **Temporary permit authorization number(s) allowing immediate use of per-**

**mit privileges may be provided for permits (except deer and turkey permits) purchased through the department's authorized telephone or Internet sales service provider. The temporary permit authorization number(s) and picture identification must be carried at all times while hunting, fishing or trapping until the actual permit(s) is received. Any permit issued or obtained by false statement or through fraud, or while privileges are revoked or denied by the commission, shall be invalid.**

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 11, 1999.*

*PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 6—Wildlife Code: Sport Fishing: Seasons,**  
**Methods, Limits**

**PROPOSED AMENDMENT**

**3 CSR 10-6.405 General Provisions.** The Department of Conservation proposes to amend subsections (1)(A) and (1)(C).

*PURPOSE: This amendment provides for immediate authorization to use privileges that are purchased by telephone or through the Internet; modifies reciprocal sport fishing privileges on the Missouri River with the state of Nebraska; and clarifies wording.*

(1) Fish, mussels and clams, bullfrogs and green frogs, turtles and live bait may be taken only as provided in this chapter or as further restricted in 3 CSR 10-4.115, 3 CSR 10-4.116 or other rules as noted.

(A) Permits Required.

1. Any person, to exercise the privileges in this chapter, must obtain and have on his/her person the prescribed permit, **temporary permit authorization number(s)** or evidence of exemption. **The temporary permit authorization number(s) and picture identification must be carried at all times while fishing until the actual permit(s) is received.**

2. Any person possessing a valid sport fishing license issued by the state of Illinois, Kentucky, Tennessee, Arkansas[,] or Kansas [or Nebraska], or who is legally exempted from those license requirements, without further permit or license, may fish with hook and line in the flowing portions of the Mississippi, St. Francis or Missouri [River] Rivers within the boundary of Missouri [and] adjacent to the state where that person is licensed.

3. **Any person possessing a valid sport fishing license issued by the state of Nebraska, or who is legally exempted from those license requirements, without further permit or license, may fish with hook and line in the flowing portions and backwaters of the Missouri River within the boundary of**

Missouri adjacent to the state of Nebraska. These anglers may also fish with hook and line in the Missouri portion of any oxbow lakes through which the Missouri-Nebraska boundary passes.

(C) Reciprocal Privileges: Mississippi, Missouri and St. Francis Rivers.

1. All reciprocal privileges outlined in this rule shall be contingent upon a grant of like privileges by the appropriate neighboring state to the [duly] licensed or exempted hook and line anglers of Missouri.

2. Regulations of the state where the [fisherman] angler is licensed shall apply in Arkansas, Tennessee and Nebraska boundary waters. Missouri regulations shall apply in the Missouri portion of Illinois, Kentucky and Kansas boundary waters. [Anglers not licensed in Missouri may not fish in the tributaries, bayous or backwaters of the Mississippi, St. Francis or Missouri Rivers; nor may they fish from or attach any device or equipment to land under the jurisdiction of Missouri.] Anglers [who hold Illinois licenses] licensed in Illinois, when fishing in waters in which they are not licensed to fish by Missouri, shall comply with the most restrictive laws and regulations of the two (2) states.

3. Anglers must be licensed in Missouri to fish in tributaries of the Mississippi, Missouri and St. Francis Rivers.

4. Anglers licensed in Arkansas, Illinois, Kansas, Kentucky or Tennessee may not fish from or attach any device or equipment to land under the jurisdiction of Missouri.

5. Anglers licensed in Nebraska may fish from or attach any device or equipment to land under the jurisdiction of Missouri.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 11, 1999.*

*PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,  
Limits**

**PROPOSED AMENDMENT**

**3 CSR 10-7.405 General Provisions.** The Department of Conservation proposes to amend section (1).

*PURPOSE: This amendment provides for immediate authorization to use privileges that are purchased by telephone or through the Internet.*

(1) Any person while hunting or while using dogs or birds of prey in pursuit of wildlife in any manner, including training, shall have

on his/her person the prescribed permit, **temporary permit authorization number(s)** or evidence of exemption. **The temporary permit authorization number(s) and picture identification must be carried at all times while hunting until the actual permit(s) is received.** Wildlife may not be held alive under hunting permits.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 26, 1964, effective Dec. 31, 1964. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 11, 1999.*

*PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 8—Wildlife Code: Trapping: Seasons, Methods**

**PROPOSED AMENDMENT**

**3 CSR 10-8.505 Trapping.** The Department of Conservation proposes to amend provisions of this rule.

*PURPOSE: This amendment provides for immediate authorization to use privileges that are purchased by telephone or through the Internet.*

Any person, to exercise the privilege of trapping, shall obtain and have on his/her person the prescribed permit or **temporary permit authorization number(s)**, unless exempt under provisions of 3 CSR 10-5.205[(1)(A)]. **The temporary permit authorization number(s) and picture identification must be carried at all times while trapping until the actual permit(s) is received.** No person shall accept payment for furbearers taken by another. Furbearers may not be held alive under trapping permits, except as provided in 3 CSR 10-8.515(4).

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 16, 1973, effective Dec. 31, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 11, 1999.*

*PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments*

*must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 8—DEPARTMENT OF LABOR AND  
INDUSTRIAL RELATIONS**

**Division 60—Missouri Commission on Human Rights  
Chapter 3—Guidelines and Interpretation of  
Employment Anti-Discrimination Laws**

**PROPOSED AMENDMENT**

**8 CSR 60-3.040 Employment Practices Related to Men and Women.** The Missouri Commission on Human Rights proposes to amend subsections (17)(B) and (C) of this rule.

*PURPOSE: This amendment deletes language that creates strict liability on the part of the employer for supervisor harassment and replaces it with language that adopts federal case law and Equal Employment Opportunity Commission Guidelines for Sexual Harassment.*

(17) Harassment on the basis of sex is a violation of Chapter 213, RSMo.

(B) In determining whether alleged conduct constitutes sexual harassment, the commission will look at the record as a whole and at the totality of the circumstances, such as the nature of the sexual advances and the context in which the alleged incidents occurred. The determination of the legality of a particular action will be made by applying relevant federal case law and Equal Employment Opportunity Commission Guidelines and from the facts, on a case-by-case basis.

(C) [Applying general principles of Chapter 213, RSMo, an employer, employment agency, joint apprenticeship committee or labor organization (hereinafter collectively referred to as employer) is responsible for its acts and those of its agents and supervisory employees with respect to sexual harassment regardless of whether the specific acts complained of were authorized or even forbidden by the employer and regardless of whether the employer knew or should have known of their occurrence.] The commission will examine the circumstances of the particular employment relationship and the job functions performed by the individual in determining whether an individual acts in either a supervisory or agency capacity.

*AUTHORITY: sections 213.030(6) and 213.075.3, RSMo [1986] Supp. 1998. This rule was previously filed as 4 CSR 180-3.040. Original rule filed Oct. 31, 1973, effective Nov. 10, 1973. Amended: Filed July 1, 1980, effective Nov. 13, 1980. Emergency amendment filed Sept. 17, 1999, effective Sept. 27, 1999, expires March 24, 2000. Amended: Filed Sept. 17, 1999.*

*PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Commission on Human Rights, Attn: Steve Skolnick, P.O. Box 1129, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 10—Air Conservation Commission  
Chapter 2—Air Quality Standards and Air Pollution  
Control Rules Specific to the Kansas City Metropolitan  
Area**

**PROPOSED RESCISSION**

**10 CSR 10-2.060 Restriction of Emission of Visible Air Contaminants.** This rule specified the maximum allowable shade or opacity of visible air contaminant emissions and required the use of opacity monitoring devices on certain air contaminant sources. If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency for removal from the Missouri State Implementation Plan.

*PURPOSE: This regulation is proposed for rescission because it is replaced by 10 CSR 10-6.220. This new rule consolidates the requirements of this rule and other area specific opacity rules. The new rule will clarify statewide emission requirements and exemptions and simplify enforcement.*

*AUTHORITY: section 203.050, RSMo 1986. Original rule filed Dec. 26, 1968, effective Jan. 5, 1969. Amended: Filed April 5, 1972, effective April 15, 1972. Amended: Filed Jan. 15, 1977, effective July 11, 1977. Amended: Filed July 16, 1979, effective Feb. 11, 1980. Rescinded: Filed Sept. 15, 1999.*

*PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing on this proposed rescission will begin at 9:00 a.m., December 9, 1999. The public hearing will be held at the Kansas City Downtown Marriott, 200 West 12th Street, Kansas City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven days prior to the hearing to Roger D. Randolph, Director, Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., December 16, 1999. Written comments shall be sent to Chief, Planning Section, Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 10—Air Conservation Commission  
Chapter 3—Air Pollution Control Rules Specific to the  
Outstate Missouri Area**

**PROPOSED RESCISSION**

**10 CSR 10-3.080 Restriction of Emission of Visible Air Contaminants.** This rule specified the maximum allowable shade or opacity of visible air contaminant emissions and required the use of opacity monitoring devices on certain air contaminant sources. If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency for removal from the Missouri State Implementation Plan.

*PURPOSE: This regulation is proposed for rescission because it is replaced by 10 CSR 10-6.220. This new rule consolidates the requirements of this rule and other area specific opacity rules. The*

*new rule will clarify statewide emission requirements and exemptions and simplify enforcement.*

**AUTHORITY:** section 643.050, RSMo Supp. 1997. Original rule filed March 24, 1971, effective April 3, 1971. Amended: Filed Jan. 31, 1972, effective Feb. 10, 1972. Amended: Filed Jan. 14, 1977, effective July 11, 1977. Amended: Filed Aug. 16, 1977, effective Feb. 11, 1978. Amended: Filed March 15, 1979, effective Nov. 11, 1979. Emergency amendment filed June 15, 1995, effective June 25, 1995, expired Oct. 22, 1995. Amended: Filed Sept. 14, 1995, effective May 30, 1996. Amended: Filed June 15, 1998, effective Jan. 30, 1999. Rescinded: Filed Sept. 15, 1999.

**PUBLIC ENTITY COST:** This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

**PRIVATE ENTITY COST:** This proposed rescission will not cost private entities more than \$500 in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing on this proposed rescission will begin at 9:00 a.m., December 9, 1999. The public hearing will be held at the Kansas City Downtown Marriott, 200 West 12th Street, Kansas City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven days prior to the hearing to Roger D. Randolph, Director, Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., December 16, 1999. Written comments shall be sent to Chief, Planning Section, Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 10—Air Conservation Commission**  
**Chapter 4—Air Quality Standards and Air Pollution**  
**Control Regulations for the Springfield-Greene County**  
**Area**

**PROPOSED RESCISSION**

**10 CSR 10-4.060 Restriction of Emission of Visible Air Contaminants.** This rule specified the maximum allowable shade or opacity of visible air contaminant emissions and required the use of opacity monitoring devices on certain air contaminant sources. If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency for removal from the Missouri State Implementation Plan.

**PURPOSE:** This regulation is proposed for rescission because it is replaced by 10 CSR 10-6.220. This new rule consolidates the requirements of this rule and other area specific opacity rules. The new rule will clarify statewide emission requirements and exemptions and simplify enforcement.

**AUTHORITY:** section 203.050, RSMo 1986. Original rule filed Dec. 5, 1969, effective Dec. 15, 1969. Amended: Filed Jan. 14, 1977, effective July 11, 1977. Rescinded: Filed Sept. 15, 1999.

**PUBLIC ENTITY COST:** This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

**PRIVATE ENTITY COST:** This proposed rescission will not cost private entities more than \$500 in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing on this proposed rescission will begin at 9:00 a.m., December 9, 1999. The public hearing will be held at the Kansas City Downtown Marriott, 200 West 12th Street, Kansas City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven days prior to the hearing to Roger D. Randolph, Director, Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., December 16, 1999. Written comments shall be sent to Chief, Planning Section, Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 10—Air Conservation Commission**  
**Chapter 5—Air Quality Standards and Air Pollution**  
**Control Rules Specific to the St. Louis Metropolitan**  
**Area**

**PROPOSED RESCISSION**

**10 CSR 10-5.090 Restriction of Emission of Visible Air Contaminants.** This rule specified the maximum allowable shade or opacity of visible air contaminant emissions and required the use of opacity monitoring devices on certain air contaminant sources. If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency for removal from the Missouri State Implementation Plan.

**PURPOSE:** This regulation is proposed for rescission because it is replaced by 10 CSR 10-6.220. This new rule consolidates the requirements of this rule and other area specific opacity rules. The new rule will clarify statewide emission requirements and exemptions and simplify enforcement.

**AUTHORITY:** section 643.050, RSMo 1994. Original rule filed March 14, 1967, effective March 24, 1967. Amended: Filed Jan. 14, 1977, effective July 11, 1977. Rescinded: Filed Sept. 15, 1999.

**PUBLIC ENTITY COST:** This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

**PRIVATE ENTITY COST:** This proposed rescission will not cost private entities more than \$500 in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing on this proposed rescission will begin at 9:00 a.m., December 9, 1999. The public hearing will be held at the Kansas City Downtown Marriott, 200 West 12th Street, Kansas City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven days prior to the hearing to Roger D. Randolph, Director, Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., December 16, 1999. Written comments shall be sent to Chief, Planning Section, Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176.

**T**his section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order or rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty days after the date of publication of the revision to the *Code of State Regulations*.

**T**he agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

## Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

### Division 70—State Board of Chiropractic Examiners Chapter 2—General Rules

#### ORDER OF RULEMAKING

By the authority vested in the State Board of Chiropractic Medicine under sections 43.543, 331.070 and 331.100.2, RSMo 1994, the board amends a rule as follows:

#### 4 CSR 70-2.090 Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 1999 (24 MoReg 1722-1723). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

## Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

### Division 230—State Board of Podiatric Medicine Chapter 2—General Rules

#### ORDER OF RULEMAKING

By the authority vested in the State Board of Podiatric Medicine under sections 330.010 and 330.140, RSMo Supp. 1998, the board amends a rule as follows:

#### 4 CSR 230-2.010 Application for Licensure by Examination is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 1999 (24 MoReg 1649-1650). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

## Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

### Division 230—State Board of Podiatric Medicine Chapter 2—General Rules

#### ORDER OF RULEMAKING

By the authority vested in the State Board of Podiatric Medicine under sections 330.010 and 330.140, RSMo Supp. 1998, the board amends a rule as follows:

#### 4 CSR 230-2.065 Temporary Licenses for Internship/Residency is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 1999 (24 MoReg 1650). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

## Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

### Division 240—Public Service Commission Chapter 33—Service and Billing Practices for Telecommunications Companies

#### ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.040, RSMo 1994, and 386.250, 392.200 and 392.540, RSMo Supp. 1998, the commission adopts a rule as follows:

#### 4 CSR 240-33.150 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 2, 1999 (24 MoReg 1842-1845). Those sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A hearing was held on September 3, 1999, at 10:00 a.m. at the Harry S Truman State Office Building, Room 520B, 301 West High Street, Jefferson City, Missouri. Oral testimony and written comments were received during the comment period.

COMMENT: Several comments offered support for the proposed rule so long as the rule remains consistent with the Federal Communications Commission (FCC) and does not include portions

of the federal rule which have been stayed by the U.S. Court of Appeals for the D.C. Circuit. The provisions of the Missouri rule which correspond to the stayed federal rule are sections (6), (7), and (8).

**RESPONSE AND EXPLANATION OF CHANGE:** The Commission has considered these comments and has reviewed the requirements of Section 392.540, RSMo Supp. 1998, which directs that any Missouri rule regarding the submission or execution of changes and verification procedures must be consistent with the FCC's rules. The statute does not mention liability issues. Therefore, the Commission has chosen to delete sections (7) and (8). However, the Commission believes that it is appropriate to leave section (6), regarding carrier liability, in the final rule. Once the stay has been resolved at the federal level, the Commission will revisit this issue.

**COMMENT:** The Commission should forebear from adopting sections (7) and (8) of its proposed rule until after the Federal Communications Commission (FCC) has considered the third party administrator proposal.

**RESPONSE AND EXPLANATION OF CHANGE:** As a result of this comment and the comments previously noted, the Commission has chosen to delete sections (7) and (8) until the stay has been resolved at the federal level.

**COMMENT:** Section (7) should be revised. A slammed consumer should be given absolution whether payment is made or not. The thirty-day absolution period is not sufficient and should be increased to 90 days. The rules should be amended to provide that if a subscriber pays for unauthorized service, the unauthorized carrier shall make a direct refund to the consumer. The authorized carrier should not be paid for service not provided during the slam period.

**RESPONSE:** As noted previously, section (7) has been deleted. No changes were made to the rule as a result of these comments.

**COMMENT:** One comment supported the proposed rule to the extent that it mirrors the currently effective Federal Communications Commission (FCC) rule. However, this comment suggested that the proposed rule should not be implemented until the issues with the federal rules are finally resolved by the FCC and/or the court.

**RESPONSE:** Section 392.540, RSMo, Supp. 1998, requires the Commission to implement a rule which is consistent with the FCC rule. The Commission is unable to wait for these matters to be resolved on the federal level. No changes were made to the rule as a result of this comment.

**COMMENT:** The rule should be adopted as proposed. The portions of the rule which have been stayed at the federal level should be included until final disposition of the federal case.

**RESPONSE:** Although the Commission appreciates the support of its proposed rule, it has determined that it can best implement a rule which is consistent with the federal rule by deleting sections (7) and (8). No changes were made to the rule as a result of this comment.

**COMMENT:** One party filed written comments regarding possible changes to clarify treatment of customer-initiated changes. However, this party later indicated that it was satisfied with the proposed rule without a change in this area.

**RESPONSE:** No changes were requested and no changes were made to the rule as a result of this comment.

**COMMENT:** The Commission should add an additional section which lists, in one place, the rights of the subscriber.

**RESPONSE:** Various provisions of the rule provide for customer rights. These provisions are consistent with the federal rule. The

rule is appropriate as written and no changes were made as a result of this comment.

**COMMENT:** The Commission should disseminate additional information about slamming to the public. The comment also suggested a specific process to be followed after a subscriber is slammed.

**RESPONSE:** The Commission has considered this comment and has determined that no changes need to be made to the rule as a result of the comment. The rule complies with both Section 392.540, RSMo, Supp. 1998, and the federal rule regarding slamming, and the suggested change is unnecessary.

**COMMENT:** Various sections of the rule should be renumbered in order to be more consistent with the numbering scheme used in the federal rule.

**RESPONSE AND EXPLANATION OF CHANGE:** The Commission agrees and will renumber portions of sections (2), (3) and (5).

**COMMENT:** Paragraph (4)(E)4. states that the letter of agency "shall contain separate statements regarding intraLATA, interLATA and intrastate and interstate, although a separate letter of agency for each choice is not necessary; . . ." This wording suggests that there are not only separate intraLATA and interLATA choices but separate intrastate and interstate choices as well. In Missouri, carriers implemented a PIC system that allows for an interLATA 1+ carrier and an intraLATA 1+ carrier. The rule should be clarified to be consistent with the choices actually available to the customer.

**RESPONSE AND EXPLANATION OF CHANGE:** The comment is well taken. The Commission will revise paragraph (4)(E)4.

**COMMENT:** The Commission should modify section (5) regarding preferred carrier freezes to ensure that consumers benefit from a competitive marketplace.

**RESPONSE:** Section 392.540, RSMo, Supp. 1998, requires the Commission to implement a rule which is consistent with the FCC rule. The proposed rule closely mirrors the federal rule; the Commission finds that additional modifications to the rule are not necessary at this time. No changes were made to the rule as a result of this comment.

#### **4 CSR 240-33.150 Verification of Orders for Changing Telecommunications Service Provider**

##### **(2) Changes in Subscriber Carrier Selections.**

(A) No telecommunications carrier shall submit or execute a change on the behalf of a subscriber in the subscriber's selection of a provider of telecommunications service except in accordance with the procedures prescribed in 4 CSR 240-33.150.

1. No submitting carrier shall submit a change on the behalf of a subscriber in the subscriber's selection of a provider of telecommunications service prior to obtaining: a) authorization from the subscriber, and b) verification of that authorization in accordance with the procedures prescribed in section (3). For a submitting carrier, compliance with the procedures prescribed in 4 CSR 240-33.150 shall be defined as compliance with 4 CSR 240-33.150(2) and (3). The submitting carrier shall maintain and preserve records of verification of subscriber authorization for a minimum period of two (2) years after obtaining such verification.

2. An executing carrier shall not verify the submission of a change in a subscriber's selection of a provider of telecommunications service received from a submitting carrier. For an executing carrier, compliance with the procedures prescribed in 4 CSR 240-33.150 shall be defined as prompt execution, without any unreasonable delay, of changes that have been verified by a submitting carrier.

3. Where a telecommunications carrier is selling more than one (1) type of telecommunications service (e.g., local exchange, intraLATA/intrastate toll, interLATA/interstate toll, and international toll) that carrier must obtain separate authorization from the subscriber for each service sold, although the authorizations may be made within the same solicitation. Each authorization must be verified separately from any other authorizations obtained in the same solicitation. Each authorization must be verified in accordance with the verification procedures prescribed in 4 CSR 240-33.150.

(3) Verification of Orders for Telecommunications Service.

(A) No telecommunications carrier shall submit a preferred carrier change order unless and until the order has first been confirmed in accordance with subsection (3)(B), (C) or (D).

(B) The telecommunications carrier has obtained the subscriber's written authorization in a form that meets the requirements of 4 CSR 240-33.150(4).

(C) The telecommunications carrier has obtained the subscriber's electronic authorization to submit the preferred carrier change order. Such authorization must be placed from the telephone number(s) on which the preferred carrier is to be changed and must confirm the information required in section (4) of this rule. Telecommunications carriers electing to confirm sales electronically shall establish one (1) or more toll-free telephone numbers exclusively for that purpose. Calls to the number(s) shall connect a subscriber to a voice response unit, or similar mechanism that records the required information regarding the preferred carrier change, including automatically recording the originating automatic numbering identification.

(D) An appropriately qualified independent third party has obtained the subscriber's oral authorization to submit the preferred carrier change order that confirms and includes appropriate verification data (e.g., the subscriber's date of birth). The independent third party—a) must not be owned, managed, controlled, or directed by the carrier or the carrier's marketing agent; b) must not have any financial incentive to confirm preferred carrier change orders for the carrier or the carrier's marketing agent; and c) must operate in a location physically separate from the carrier or the carrier's marketing agent. The content of the verification must include clear and conspicuous confirmation that the subscriber has authorized a preferred carrier change.

(4) Letter of Agency Form and Content.

(A) A telecommunications carrier may use a letter of agency to obtain written authorization and/or verification of a subscriber's request to change his or her preferred carrier selection. A letter of agency that does not conform with this section is invalid for purposes of 4 CSR 240-33.150.

(B) The letter of agency shall be a separate document (or an easily separable document) containing only the authorizing language described in subsection (E) of this section having the sole purpose of authorizing a telecommunications carrier to initiate a preferred carrier change. The letter of agency must be signed and dated by the subscriber to the telephone line(s) requesting the preferred carrier change.

(C) The letter of agency shall not be combined on the same document with inducements of any kind.

(D) Notwithstanding subsections (B) and (C) of this section, the letter of agency may be combined with checks that contain only the required letter of agency language as prescribed in subsection (E) of this section and the necessary information to make the check a negotiable instrument. The letter of agency check shall not contain any promotional language or material. The letter of agency check shall contain in easily readable, bold-face type on the front of the check, a notice that the subscriber is authorizing a preferred carrier change by signing the check. The letter of agency language shall be placed near the signature line on the back of the check.

(E) At a minimum, the letter of agency shall be printed with a type of sufficient size and readable type to be clearly legible and shall contain clear and unambiguous language that confirms—

1. The subscriber's billing name and address and each telephone number to be covered by the preferred carrier change order;

2. The decision to change the preferred carrier from the current telecommunications carrier to the soliciting telecommunications carrier;

3. That the subscriber designates the submitting carrier to act as the subscriber's agent for the preferred carrier change;

4. That the subscriber understands that only one (1) telecommunications carrier may be designated as the subscriber's interstate or interLATA preferred interexchange carrier for any one (1) telephone number. The letter of agency shall contain separate statements regarding intraLATA/intrastate and interLATA/interstate, although a separate letter of agency for each choice is not necessary; and

5. That the subscriber understands that any preferred carrier selection the subscriber chooses may involve a charge to the subscriber for changing the subscriber's preferred carrier.

(F) Any carrier designated in a letter of agency as a preferred carrier must be the carrier directly setting the rates for the subscriber.

(G) Letters of agency shall not suggest or require that a subscriber take some action in order to retain the subscriber's current telecommunications carrier.

(H) If any portion of a letter of agency is translated into another language then all portions of the letter of agency shall be translated into that language. Every letter of agency shall be translated into the same language as any promotional materials, oral descriptions or instructions provided with the letter of agency.

(5) Preferred Carrier Freezes.

(A) A preferred carrier freeze (or freeze) prevents a change in a subscriber's preferred carrier selection unless the subscriber gives the carrier from whom the freeze was requested his or her express consent. All local exchange carriers who offer preferred carrier freezes must comply with the provisions of this section.

(B) All local exchange carriers who offer preferred carrier freezes shall offer freezes on a nondiscriminatory basis to all subscribers, regardless of the subscriber's carrier selections.

(C) Preferred carrier freeze procedures, including any solicitation, must clearly distinguish among telecommunications services (e.g., local exchange, intraLATA/intrastate toll, interLATA/interstate toll, and international toll) subject to a preferred carrier freeze. The carrier offering the freeze must obtain separate authorization for each service for which a preferred carrier freeze is requested.

(D) Solicitation and Imposition of Preferred Carrier Freezes.

1. All carrier-provided solicitation and other materials regarding preferred carrier freezes must include:

A. An explanation, in clear and neutral language, of what a preferred carrier freeze is and what services may be subject to a freeze;

B. A description of the specific procedures necessary to lift a preferred carrier freeze; an explanation that these steps are in addition to the commission's verification rules in sections 4 CSR 240-33.150(2) and (3) for changing a subscriber's preferred carrier selections; and an explanation that the subscriber will be unable to make a change in carrier selection unless he or she lifts the freeze; and

C. An explanation of any charges associated with the preferred carrier freeze.

2. No local exchange carrier shall implement a preferred carrier freeze unless the subscriber's request to impose a freeze has first been confirmed in accordance with one (1) of the following procedures:



A. The local exchange carrier has obtained the subscriber's written and signed authorization in a form that meets the requirements of 4 CSR 240-33.150(4); or

B. The local exchange carrier has obtained the subscriber's electronic authorization, placed from the telephone number(s) on which the preferred carrier freeze is to be imposed, to impose a preferred carrier freeze. The electronic authorization should confirm appropriate verification data (e.g., the subscriber's date of birth) and the information required in section (4). Telecommunications carriers electing to confirm preferred carrier freeze orders electronically shall establish one or more toll-free telephone numbers exclusively for that purpose. Calls to the number(s) will connect a subscriber to a voice response unit, or similar mechanism that records the required information regarding the preferred carrier freeze request, including automatically recording the originating automatic numbering identification; or

C. An appropriately qualified independent third party has obtained the subscriber's oral authorization to submit the preferred carrier freeze and confirmed the appropriate verification data (e.g., the subscriber's date of birth) and the information required in section (4). The independent third party must—1) not be owned, managed, or directly controlled by the carrier or the carrier's marketing agent; 2) must not have any financial incentive to confirm preferred carrier freeze requests for the carrier or the carrier's marketing agent; and 3) must operate in a location physically separate from the carrier or the carrier's marketing agent. The content of the verification must include clear and conspicuous confirmation that the subscriber has authorized a preferred carrier freeze.

3. Written authorization to impose a preferred carrier freeze. A local exchange carrier may accept a subscriber's written and signed authorization to impose a freeze on his or her preferred carrier selection. Written authorization that does not conform with this section is invalid and may not be used to impose a preferred carrier freeze.

A. The written authorization shall comply with section (4) of the commission's rules concerning the form and content for letters of agency.

B. At a minimum, the written authorization must be printed with a readable type of sufficient size to be clearly legible and must contain clear and unambiguous language that confirms—

(I) The subscriber's billing name and address and the telephone number(s) to be covered by the preferred carrier freeze;

(II) The decision to place a preferred carrier freeze on the telephone number(s) and particular service(s). To the extent that a jurisdiction allows the imposition of preferred carrier freezes on additional preferred carrier selections (e.g., for local exchange, intraLATA/intrastate toll, interLATA/interstate toll service, and international toll), the authorization must contain separate statements regarding the particular selections to be frozen;

(III) That the subscriber understands that she or he will be unable to make a change in carrier selection unless she or he lifts the preferred carrier freeze; and

(IV) That the subscriber understands that any preferred carrier freeze may involve a charge to the subscriber.

(E) Procedures for Lifting Preferred Carrier Freezes. All local exchange carriers who offer preferred carrier freezes must, at a minimum, offer subscribers the following procedures for lifting a preferred carrier freeze:

1. A local exchange carrier administering a preferred carrier freeze must accept a subscriber's written and signed authorization stating her or his intent to lift a preferred carrier freeze; and

2. A local exchange carrier administering a preferred carrier freeze must accept a subscriber's oral authorization stating her or his intent to lift a preferred carrier freeze and must offer a mechanism that allows a submitting carrier to conduct a three (3)-way conference call with the carrier administering the freeze and the subscriber in order to lift a freeze. When engaged in oral autho-

rization to lift a preferred carrier freeze, the carrier administering the freeze shall confirm appropriate verification data (e.g., the subscriber's date of birth) and the subscriber's intent to lift the particular freeze.

(6) Carrier Liability for Charges. Any submitting telecommunications carrier that fails to comply with the procedures prescribed in 4 CSR 240-33.150 shall be liable to the subscriber's properly authorized carrier in an amount equal to all charges paid to the submitting telecommunications carrier by such subscriber after such violation. The remedies provided in 4 CSR 240-33.150 are in addition to any other remedies available at law.

## **Title 10—DEPARTMENT OF NATURAL RESOURCES**

### **Division 25—Hazardous Waste Management**

#### **Commission**

#### **Chapter 12—Hazardous Waste Fees and Taxes**

### **ORDER OF RULEMAKING**

By the authority vested in the Hazardous Waste Management Commission under sections 260.370 and 260.437, RSMo Supp. 1998 and 260.380, 260.475 and 260.479, RSMo 1994, the commission amends a rule as follows:

#### **10 CSR 25-12.010 Fees and Taxes is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 1999 (24 MoReg 1383-1386). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: During the public hearing before the Missouri Hazardous Waste Management Commission on July 9, 1999, the department testified that the proposed amendment ensures that revenue generated by the category tax meets the statutory requirement of \$1.5 million dollars. There was one oral comment offered at the hearing and one written comment was received.

COMMENT: A representative of the Regulatory Environmental Group for Missouri expressed support of the need for the amendment. The individual also expressed support on behalf of the Missouri Chamber of Commerce and Associated Industries of Missouri.

RESPONSE: The department agrees with the comment and appreciates the input from industry representatives.

COMMENT: Associated Industries of Missouri submitted a written comment that expressed support for the proposed amendment of the category tax rate. They commented that the amendment reflects a requirement to adjust the category tax to meet the statutory requirement and recognize the change as being in accord with current law.

RESPONSE: The department agrees with the comment and appreciates the input from industry representatives.

## **Title 10—DEPARTMENT OF NATURAL RESOURCES**

### **Division 25—Hazardous Waste Management**

#### **Commission**

#### **Chapter 14—Administrative Penalties**

### **ORDER OF RULEMAKING**

By the authority vested in the Hazardous Waste Management Commission under sections 260.370 and 260.437, RSMo Supp. 1998, the commission rescinds a rule as follows:

**10 CSR 25-14.010 Administrative Penalties is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 17, 1999 (24 MoReg 1248). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** At the public hearing before the Missouri Hazardous Waste Management Commission on July 9, 1999, the department testified that this rescission was proposed concurrently with the proposed adoption of a revised version of the same rule. The only comments received were directed to the content of the proposed rule, rather than the content of the proposed rescission. Thus, there were no comments received on this proposed rescission.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management  
Commission  
Chapter 14—Administrative Penalties**

**ORDER OF RULEMAKING**

By the authority vested in the Hazardous Waste Management Commission under sections 260.370 and 260.437, RSMo Supp. 1998 and 260.412, RSMo 1994, the commission adopts a rule as follows:

10 CSR 25-14.010 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 17, 1999 (24 MoReg 1248-1257). Those subsections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** At the public hearing before the Missouri Hazardous Waste Management Commission on July 9, 1999, the department testified that the proposed rule is a revision of the existing version that was concurrently proposed to be rescinded. The Regulatory Environmental Group for Missouri (REGFORM) offered oral testimony at the hearing, consisting of four comments on the substance of the proposed rule. Three of those comments were also submitted as written comments. One additional written comment was submitted on the proposed rule. The department considered all of the comments.

**COMMENT:** REGFORM testified at the hearing that the proposed rule incorrectly referenced the authority provided by section 260.412, RSMo to assess administrative penalties. The statute lists the RSMo sections, violations of which are subject to assessment of administrative penalties. The proposed rule listed RSMo sections in addition to those authorized in the statute. The commenter noted that the proposed rule should mirror the statute.

**RESPONSE AND EXPLANATION OF CHANGE:** Department staff previously noticed the same error, and the department agrees with the comment and has changed the proposed rule accordingly. The proposed rule inadvertently referenced administrative penalty authority for violations of the entirety of the Hazardous Waste Management Law. Administrative penalty authority is only granted for violations of the specific sections of the law that are listed in section 260.412, RSMo. The department changed language in

sections (1)(A) and (2)(B)3. of the rule to be consistent with the statute.

**COMMENT:** REGFORM commented orally and in writing that, according to the proposed rule, determination of penalties will involve the application of the gravity-based penalty matrix, but the previous version also allowed the penalty range to be adapted to the circumstances of a particular violation. REGFORM commented further that the adjustment factors in the proposed rule are too restrictive and will not provide the department with sufficient discretion to fully account for individual circumstances.

**RESPONSE:** The department does not agree with this comment. As written, paragraph (3)(E)6. of the proposed rule allows the department to adjust administrative penalties based on fairness and equity on a case-by-case basis. The department believes that this language provides sufficient discretion to account for individual circumstances in establishing the amount of an administrative penalty. No changes were made to the rule as a result of this comment.

**COMMENT:** REGFORM commented orally and in writing that the addition of new criteria to determine culpability is generally good. However, subsection (D), relating to whether the violator knew or should have known about the hazards associated with the conduct, is confusing and arbitrary. To allow further increases in the penalty based upon this subjective criteria would open the rule to abuse and double-counting.

**RESPONSE:** The department does not agree with this comment. The department believes the language referred to is neither confusing nor arbitrary. This particular adjustment factor is meant to take into account whether the violator is aware that his or her activity poses or could potentially pose a hazard to the environment. The department believes that it is appropriate and consistent with the intent of administrative penalties to consider this factor in establishing an administrative penalty amount. A violator who is aware that their conduct presents such a hazard should be penalized differently than a violator otherwise in the same situation who may not be aware of the potential hazards. There were no changes made to the rule as a result of this comment.

**COMMENT:** REGFORM commented orally and in writing that the existing rule allows the department to consider decreasing a penalty in return for an agreement by the violator to undertake an environmentally beneficial project. The proposed rule does not contain this provision. Removal of this provision serves to undermine the intent of the department to reduce overall emissions. Such projects should remain a viable method of satisfying or mitigating administrative penalties.

**RESPONSE:** The Department has decided to remove the provision for Supplemental Environmental Projects (SEPs) from all program administrative penalty rules. However, nothing in the regulation prohibits the use of SEPs, if appropriate. To maintain consistency, no wording changes have been made to the proposed rule as a result of this comment.

**COMMENT:** Associated Industries of Missouri commented that the rule incorporates provisions authorized in legislation passed several years ago, and will serve to make the administrative penalty process more useful and workable.

**RESPONSE:** The department agrees with the comment and appreciates the input offered on this issue from the commenter.

**10 CSR 25-14.010 Administrative Penalty Assessment**

**(1) General Provisions.**

(A) Pursuant to section 260.412, RSMo, and in addition to any other remedy provided by law, upon determination by the department that a provision of sections 260.350 to 260.481, RSMo or a standard, limitation, order or rule promulgated, or a term or con-

dition of any permit has been violated, the director may issue an order assessing an administrative penalty upon the violator. The amount of the administrative penalty will be determined according to section (3) of this rule. In no event may the total penalty assessed per day of violation exceed the statutory maximum specified in section 260.425, RSMo.

(2) Definitions.

(B) Additional definitions specific to this rule are as follows:

1. Conference, conciliation and persuasion—A process of verbal or written communications, consisting of meetings, reports, correspondence or telephone conferences between authorized representatives of the department and the alleged violator. The process shall, at minimum, consist of one (1) offer to meet with the alleged violator tendered by the department. During any such meeting, the department and the alleged violator shall negotiate in good faith to eliminate the alleged violation and shall attempt to agree upon a plan to achieve compliance;

2. Economic benefit—Any monetary gain which accrues to a violator as a result of noncompliance;

3. Gravity-based assessment—The degree of seriousness of a violation taking into consideration the risk to human health and the environment posed by the violation and considering the extent of deviation from sections 260.350–260.481, RSMo;

4. Minor violation—A violation which possess a small potential to harm the environment or human health or cause pollution, was not knowingly committed, and is not defined by the United States Environmental Protection Agency (U.S. EPA) as other than minor;

5. Multiple violation penalty—The sum of individual administrative penalties assessed when two (2) or more violations are included in the same complaint or enforcement action; and

6. Multi-day violation—A violation which has occurred on or continued for two (2) or more consecutive or nonconsecutive days.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 80—Solid Waste Management**  
**Chapter 2—General Provisions**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Natural Resources under sections 260.225, RSMo Supp. 1998 and 260.249, RSMo 1994 the department rescinds a rule as follows:

**10 CSR 80-2.040** Administrative Penalty Assessment  
is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 17, 1999, (24 MoReg 1267). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 80—Solid Waste Management**  
**Chapter 2—General Provisions**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Natural Resources under sections 260.225, RSMo Supp. 1998 and 260.249, RSMo 1994 the department adopts a rule as follows:

**10 CSR 80-2.040** Administrative Penalty Assessment is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 17, 1999 (24 MoReg 1267–1276). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: At the public hearing on June 18, 1999, the department testified that the rule establishes procedures for assessment of administrative penalties pursuant to section 260.249, RSMo. One comment in support of the proposed rule was received from a representative of Associated Industries of Missouri.

**Title 13—DEPARTMENT OF SOCIAL SERVICES**  
**Division 70—Division of Medical Services**  
**Chapter 10—Nursing Home Program**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Division of Medical Services under sections 208.153, 208.159 and 208.201, RSMo 1994, the director hereby amends a rule as follows:

**13 CSR 70-10.030** Prospective Reimbursement Plan for  
Nonstate-Operated Facilities for ICF/MR Services is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 1999 (24 MoReg 1669–1671). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Medical Services did not receive any comments on the proposed amendment.

**Title 13—DEPARTMENT OF SOCIAL SERVICES**  
**Division 70—Division of Medical Services**  
**Chapter 10—Nursing Home Program**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Division of Medical Services under sections 208.153, 208.159 and 208.201, RSMo 1994, the director hereby amends a rule as follows:

**13 CSR 70-10.050** Pediatric Nursing Care Plan is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 1999 (24 MoReg 1673–1674). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Medical Services did not receive any comments on the proposed amendment.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—Division of Medical Services  
Chapter 15—Hospital Program**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Division of Medical Services under sections 208.152, 208.153, 208.201, and 208.471, RSMo 1994, the director hereby amends a rule as follows:

**13 CSR 70-15.010** Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 1999 (24 MoReg 1535-1537). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Division of Medical Services received one comment on the proposed amendment 13 CSR 70-15.010. The proposed amendment provides for an adjustment to a hospital's allowable cost for property taxes when a hospital changes from a non-profit hospital to a proprietary hospital. The commenter feels in addition to the adjustment to a hospital's allowable cost for property taxes, an adjustment should be made for sales taxes. The commenter states non-profit hospitals do not pay sales taxes on health care supplies, medical supplies, and capital equipment while proprietary hospitals are required to pay sales taxes on these items.

**RESPONSE:** The division has reviewed the commenter's concerns regarding the sales taxes a hospital will incur when it changes from a non-profit to a proprietary hospital. The division does not feel an adjustment is necessary. The division did not change the proposed amendment.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—Division of Medical Services  
Chapter 15—Hospital Program**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Division of Medical Services under sections 208.152, 208.153, 208.201 and 208.471, RSMo 1994, the director hereby amends a rule as follows:

**13 CSR 70-15.010** Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 1999 (24 MoReg 1538-1539). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—Division of Medical Services  
Chapter 15—Hospital Program**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Division of Medical Services under sections 208.152, 208.153, 208.201 and 208.471, RSMo 1994, the director hereby amends a rule as follows:

**13 CSR 70-15.040** Inpatient Hospital and Outpatient Hospital Settlements **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 1999 (24 MoReg 1540-1542). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—Division of Medical Services  
Chapter 94—Rural Health Clinic Program**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Division of Medical Services under section 208.201, RSMo 1994, the director hereby amends a rule as follows:

**13 CSR 70-94.020** Provider-Based Rural Health Clinic **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 1999 (24 MoReg 1543). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This

proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** No comments were received.

**Title 20—DEPARTMENT OF INSURANCE  
Division 700—Licensing  
Chapter 1—Agents, Brokers, and Agencies**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Insurance under section 374.045, RSMo Supp. 1998, the director hereby amends a rule as follows:

**20 CSR 700-1.010** Agents' Examination and Licensing Procedures and Standards **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 17, 1999 (24 MoReg 1296-1297). A hearing was held on June 17, 1999, at 9:00 a.m., in accordance with notice given at 24 MoReg 1297. No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** No comments were received which opposed or requested modification of the proposed rule.

**Title 20—DEPARTMENT OF INSURANCE  
Division 700—Licensing  
Chapter 1—Agents, Brokers, and Agencies**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Insurance under sections 374.045, RSMo Supp. 1998, and

375.071–375.136, RSMo 1994 and Supp. 1998, the director hereby amends a rule as follows:

**20 CSR 700-1.100 Insurance Brokers is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 17, 1999 (24 MoReg 1297). A hearing was held on June 17, 1999, at 9:00 a.m., in accordance with notice given at 24 MoReg 1297. No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A hearing was held on June 17, 1999, at 9:00 a.m. in the offices of the Department of Insurance, Harry S Truman State Office Building, Room 630. No comments were received which opposed or requested modification of the proposed rule.

**Title 20—DEPARTMENT OF INSURANCE  
Division 700—Licensing  
Chapter 1—Agents, Brokers and Agencies**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Insurance under sections 374.045 and 375.022, RSMo Supp. 1998, the director hereby amends a rule as follows:

**20 CSR 700-1.130 Appointment of Agents is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 17, 1999 (24 MoReg 1297–1299). A hearing was held on June 17, 1999, at 9:00 a.m., in accordance with notice given at 24 MoReg 1298. No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received which opposed or requested modification of the proposed rule.

**T**his section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

**Title 19—DEPARTMENT OF HEALTH  
Division 60—Missouri Health Facilities Review  
Committee  
Chapter 50—Certificate of Need Program**

**APPLICATION REVIEW SCHEDULE**

**DATE FILED:**

**APPLICATION PROJECT NO. &  
NAME/COST & DESCRIPTION/  
CITY & COUNTY**

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. These applications are available for public inspection at the address shown below.

**September 2, 1999**

#2878 RS: Creekside Retirement Home  
\$52,500, Replace 20-bed residential care facility I  
Crystal City (Jefferson County)

**September 7, 1999**

#2885 NS: Ash Grove Health Care Facility  
\$2,175,000, Replace 62-bed skilled nursing facility  
Ash Grove (Greene County)

**September 7, 1999**

#2884 NP: Country Club Care Center  
\$212,000, Bed Expansion of 22 skilled nursing facility beds  
Warrensburg (Johnson County)

**September 7, 1999**

#2874 NP: James River Care Center, Inc.  
\$139,667, Bed Expansion of 30 skilled nursing facility beds  
Springfield (Greene County)

**September 7, 1999**

#2887 NP: Ashland Healthcare  
\$61,333, Bed Expansion of 14 skilled nursing facility beds  
Ashland (Boone County)

**September 7, 1999**

#2875 NP: Moniteau Care Center  
\$78,000, Bed Expansion of 18 skilled nursing facility beds  
California (Moniteau County)

**September 7, 1999**

#2883 RS: Lakeview Manor  
\$998,000, Replace 19-bed residential care facility I  
Washington (Franklin County)

**September 7, 1999**

#2886 NS: Gables at Hidden Lake  
\$4,225,000, Replace 67-bed skilled nursing facility  
St. Louis (St. Louis County)

request to this effect which must be received at the address listed below by October 8, 1999. All written requests and comments should be sent to:

Chairman  
Missouri Health Facilities Review Committee  
c/o Certificate of Need Program  
915 G Leslie Boulevard  
Jefferson City, MO 65101

For additional information contact Mike Henry, 573-751-6403.

Any person wishing to request a public hearing for the purpose of commenting on any of these applications must submit a written

**OFFICE OF ADMINISTRATION  
Division of Purchasing**

**BID OPENINGS**

Sealed Bids in one (1) copy will be received by the Division of Purchasing, Room 580, Truman Building, P.O. Box 809, Jefferson City, MO 65102, telephone (573) 751-2387 at 2:00 p.m. on dates specified below for various agencies throughout Missouri. Bids are available to download via our homepage: <http://www.state.mo.us/oa/purch/purch.htm>. Prospective bidders may receive specifications upon request.

B001069 Forklift 10/18/99;  
B003030 Environmental Inspection/Design Services 10/18/99;  
B003034 Crane & Crane Operator Services 10/18/99;  
B001063 Van: Insulated 10/19/99;  
B001070 Seed: Korean Kobe Lespedeza Mixture 10/19/99;  
B002022 Evaluation-Medicaid Section 1115 Waiver 10/19/99;  
B002031 Diskettes & Printer Supplies 10/19/99;  
B003012 Banking Services for WIC Program 10/19/99;  
B003037 Janitorial Services-St. Louis 10/19/99;  
B002012 Software: Report Distribution Solution 10/21/99;  
B002027 Computers-Escon Channel Upgrade 10/21/99;  
B002028 Computers-Escon Director Upgrade 10/21/99;  
B003036 Registered Nurse 10/22/99;  
B002029 Remote LAN Access Services 10/28/99;  
B003043 Adult Day Care Program 10/28/99;  
B002001 DP Services: Wage Order Data Entry 11/3/99;  
B003046 Care Management Organization 11/3/99;  
B003041 Medicaid Operations-Review & Investigation 11/4/99.

It is the intent of the state of Missouri, Division of Purchasing to purchase the following as a single feasible source without competitive bids. If suppliers exist other than the one identified, contact (573) 751-2387 immediately.

- 1) Radio Broadcasting Services/Organ Donation Media Education Campaign, supplied by Learfield Communications, Inc.
- 2) AAMV Anet Electronic Data Exchange, supplied by AAMV Anet.

Joyce Murphy, CPPO,  
Director of Purchasing

**Rule Changes Since Update to  
Code of State Regulations**

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—21 (1996), 22 (1997), 23 (1998) and 24 (1999). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule and N.A. indicates not applicable.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
<b>OFFICE OF ADMINISTRATION</b>					
1 CSR 10	State Officials' Salary Compensation Schedule .....				23 MoReg 2473
	.....				24 MoReg 2535
1 CSR 10-15.010	Commissioner of Administration .....		This Issue		
1 CSR 20-5.010	Personnel Advisory Board .....		This Issue		
1 CSR 20-5.015	Personnel Advisory Board .....		This Issue		
1 CSR 20-5.020	Personnel Advisory Board .....		This Issue		
1 CSR 20-5.025	Personnel Advisory Board .....		This Issue		
<b>DEPARTMENT OF AGRICULTURE</b>					
2 CSR 10-5.005	Market Development .....	24 MoReg 2269			
2 CSR 30-2.015	Animal Health .....	23 MoReg 1427			
2 CSR 70-13.010	Plant Industries .....		24 MoReg 1821		
2 CSR 70-13.015	Plant Industries .....		24 MoReg 1821		
2 CSR 70-13.020	Plant Industries .....		24 MoReg 1822		
2 CSR 70-13.025	Plant Industries .....		24 MoReg 1822		
2 CSR 70-13.030	Plant Industries .....		24 MoReg 1823		
2 CSR 70-13.035	Plant Industries .....		24 MoReg 1825		
2 CSR 70-13.040	Plant Industries .....		24 MoReg 1827		
2 CSR 90-30.050	Weights and Measures .....	24 MoReg 1195		24 MoReg 2505	
2 CSR 90-30.060	Weights and Measures .....	24 MoReg 1200R		24 MoReg 2508R	
2 CSR 90-30.070	Weights and Measures .....	24 MoReg 1200		24 MoReg 2508	
2 CSR 90-30.080	Weights and Measures .....	24 MoReg 1203		24 MoReg 2509	
2 CSR 90-30.090	Weights and Measures .....	24 MoReg 1203		24 MoReg 2509	
2 CSR 90-30.100	Weights and Measures .....	24 MoReg 1207		24 MoReg 2509	
2 CSR 100-8.010	Agricultural and Small Business Authority .....	24 MoReg 1787R	24 MoReg 1829R		
<b>DEPARTMENT OF CONSERVATION</b>					
3 CSR 10-4.111	Conservation Commission .....	24 MoReg 1475		24 MoReg 2156	
3 CSR 10-4.113	Conservation Commission .....	24 MoReg 1475		24 MoReg 2156	
3 CSR 10-4.115	Conservation Commission .....	24 MoReg 1479		24 MoReg 2156	
	.....		This Issue		
3 CSR 10-4.116	Conservation Commission .....	24 MoReg 1484		24 MoReg 2156	
	.....		This Issue		
3 CSR 10-4.125	Conservation Commission .....		This Issue		
3 CSR 10-4.130	Conservation Commission .....	24 MoReg 1485		24 MoReg 2157	
3 CSR 10-4.136	Conservation Commission .....	24 MoReg 1485		24 MoReg 2157	
3 CSR 10-4.140	Conservation Commission .....	24 MoReg 1485		24 MoReg 2157	
3 CSR 10-4.145	Conservation Commission .....	24 MoReg 1486		24 MoReg 2157	
3 CSR 10-5.205	Conservation Commission .....	24 MoReg 1486		24 MoReg 2157	
	.....		This Issue		
3 CSR 10-5.210	Conservation Commission .....		This Issue		
3 CSR 10-5.215	Conservation Commission .....	24 MoReg 1486		24 MoReg 2157	
	.....		This Issue		
3 CSR 10-5.220	Conservation Commission .....	24 MoReg 1487		24 MoReg 2158	
3 CSR 10-5.420	Conservation Commission .....	24 MoReg 1487		24 MoReg 2158	
3 CSR 10-6.405	Conservation Commission .....	24 MoReg 1487		24 MoReg 2158	
	.....		This Issue		
3 CSR 10-6.415	Conservation Commission .....	24 MoReg 1488		24 MoReg 2158	
3 CSR 10-6.505	Conservation Commission .....	24 MoReg 1488		24 MoReg 2158	
3 CSR 10-6.510	Conservation Commission .....	24 MoReg 1488		24 MoReg 2158	
3 CSR 10-6.525	Conservation Commission .....	24 MoReg 1489		24 MoReg 2159	
3 CSR 10-6.540	Conservation Commission .....	24 MoReg 1489		24 MoReg 2159	
3 CSR 10-6.550	Conservation Commission .....	24 MoReg 1490		24 MoReg 2159	
3 CSR 10-7.405	Conservation Commission .....		This Issue		
3 CSR 10-7.440	Conservation Commission .....		N.A.	24 MoReg 2509	
3 CSR 10-7.450	Conservation Commission .....	24 MoReg 1490		24 MoReg 2159	
3 CSR 10-8.505	Conservation Commission .....		This Issue		
3 CSR 10-8.515	Conservation Commission .....	24 MoReg 1490		24 MoReg 2159	
3 CSR 10-9.110	Conservation Commission .....	24 MoReg 1491		24 MoReg 2160	
3 CSR 10-9.230	Conservation Commission .....	24 MoReg 1494		24 MoReg 2160	
3 CSR 10-9.442	Conservation Commission .....		N.A.	24 MoReg 2510	
3 CSR 10-10.725	Conservation Commission .....	24 MoReg 1494		24 MoReg 2160	
3 CSR 10-10.768	Conservation Commission .....	24 MoReg 1495		24 MoReg 2160	
3 CSR 10-11.805	Conservation Commission .....	24 MoReg 1495		24 MoReg 2160	



Rule Number	Agency	Emergency	Proposed	Order	In Addition
<b>DEPARTMENT OF ECONOMIC DEVELOPMENT</b>					
4 CSR 30-4.070	Architects, Professional Engineers and Land Surveyors		24 MoReg 1207	24 MoReg 2160	
4 CSR 40-1.021	Office of Athletics	21 MoReg 2680			
4 CSR 40-5.070	Office of Athletics	21 MoReg 1963			
4 CSR 70-2.040	State Board of Chiropractic Examiners		24 MoReg 2201		
4 CSR 70-2.050	State Board of Chiropractic Examiners		24 MoReg 2201		
4 CSR 70-2.070	State Board of Chiropractic Examiners		24 MoReg 2202		
4 CSR 70-2.090	State Board of Chiropractic Examiners		24 MoReg 1722	.....	This Issue
4 CSR 90-13.020	State Board of Cosmetology		23 MoReg 1952		
4 CSR 90-13.040	State Board of Cosmetology		24 MoReg 1724		
4 CSR 90-13.060	State Board of Cosmetology		24 MoReg 1724		
4 CSR 105-1.010	Credit Union Commission		24 MoReg 1829		
4 CSR 105-2.010	Credit Union Commission	24 MoReg 1787	24 MoReg 1833		
4 CSR 105-3.010	Credit Union Commission	24 MoReg 1788	24 MoReg 1839		
4 CSR 105-3.020	Credit Union Commission	24 MoReg 1789	24 MoReg 1839		
4 CSR 105-3.030	Credit Union Commission	24 MoReg 1790	24 MoReg 1839		
4 CSR 120-2.010	Board of Embalmers and Funeral Directors		24 MoReg 1028	24 MoReg 2161	
4 CSR 120-2.020	Board of Embalmers and Funeral Directors		24 MoReg 1029	24 MoReg 2161	
4 CSR 120-2.060	Board of Embalmers and Funeral Directors		24 MoReg 2128		
4 CSR 120-2.100	Board of Embalmers and Funeral Directors		24 MoReg 1030	24 MoReg 2161	
			24 MoReg 2129		
4 CSR 150-2.001	State Board of Registration for the Healing Arts		23 MoReg 2565		
4 CSR 150-2.065	State Board of Registration for the Healing Arts		23 MoReg 2566		
4 CSR 150-3.080	State Board of Registration for the Healing Arts		24 MoReg 1497		
4 CSR 150-3.200	State Board of Registration for the Healing Arts		24 MoReg 1497		
4 CSR 150-3.201	State Board of Registration for the Healing Arts		24 MoReg 1498		
4 CSR 150-3.202	State Board of Registration for the Healing Arts		24 MoReg 1502		
4 CSR 150-3.203	State Board of Registration for the Healing Arts		24 MoReg 1506		
4 CSR 150-4.100	State Board of Registration for the Healing Arts		24 MoReg 714		
4 CSR 150-4.105	State Board of Registration for the Healing Arts		24 MoReg 714		
4 CSR 150-4.110	State Board of Registration for the Healing Arts		24 MoReg 715		
4 CSR 150-4.115	State Board of Registration for the Healing Arts		24 MoReg 716		
4 CSR 150-4.120	State Board of Registration for the Healing Arts		24 MoReg 717		
4 CSR 150-4.125	State Board of Registration for the Healing Arts		24 MoReg 718		
4 CSR 150-4.130	State Board of Registration for the Healing Arts		24 MoReg 718		
4 CSR 150-7.135	State Board of Registration for the Healing Arts		24 MoReg 2131		
4 CSR 150-7.300	State Board of Registration for the Healing Arts		23 MoReg 2703		
4 CSR 150-7.310	State Board of Registration for the Healing Arts		23 MoReg 2711		
4 CSR 165-1.020	Board of Examiners for Hearing Instrument Specialists		24 MoReg 1335	24 MoReg 2238	
4 CSR 165-2.010	Board of Examiners for Hearing Instrument Specialists		24 MoReg 1840		
4 CSR 165-2.030	Board of Examiners for Hearing Instrument Specialists		24 MoReg 1840		
4 CSR 165-2.050	Board of Examiners for Hearing Instrument Specialists		24 MoReg 1840		
4 CSR 195-5.010	Workforce Development		24 MoReg 2314		
4 CSR 195-5.020	Workforce Development		24 MoReg 2315		
4 CSR 195-5.030	Workforce Development		24 MoReg 2318		
4 CSR 210-2.060	State Board of Optometry		22 MoReg 1443		
4 CSR 220-2.010	State Board of Pharmacy		24 MoReg 1841		
4 CSR 220-2.020	State Board of Pharmacy		24 MoReg 1841		
4 CSR 220-2.160	State Board of Pharmacy		24 MoReg 1842		
4 CSR 230-2.010	Board of Podiatric Medicine		24 MoReg 1649	.....	This Issue
4 CSR 230-2.030	Board of Podiatric Medicine		24 MoReg 1337	24 MoReg 2238	
4 CSR 230-2.065	Board of Podiatric Medicine		24 MoReg 1650	.....	This Issue
			24 MoReg 2202		
4 CSR 230-2.070	Board of Podiatric Medicine		24 MoReg 1337	24 MoReg 2238	
4 CSR 235-1.015	State Committee of Psychologists		24 MoReg 2132		
4 CSR 235-1.020	State Committee of Psychologists		24 MoReg 1337	24 MoReg 2238	
4 CSR 235-1.025	State Committee of Psychologists		24 MoReg 2132		
4 CSR 235-1.026	State Committee of Psychologists		24 MoReg 2133		
4 CSR 235-1.030	State Committee of Psychologists		24 MoReg 2134		
4 CSR 235-1.031	State Committee of Psychologists		24 MoReg 2134		
4 CSR 235-1.060	State Committee of Psychologists		24 MoReg 2134		
4 CSR 235-1.063	State Committee of Psychologists		24 MoReg 2135		
4 CSR 235-2.020	State Committee of Psychologists		24 MoReg 2135		
4 CSR 235-2.040	State Committee of Psychologists		24 MoReg 2135		
4 CSR 235-2.050	State Committee of Psychologists		24 MoReg 2137		
4 CSR 235-2.060	State Committee of Psychologists		24 MoReg 2138		
4 CSR 235-2.065	State Committee of Psychologists		24 MoReg 2139		
4 CSR 235-2.070	State Committee of Psychologists		24 MoReg 2140		
4 CSR 235-3.020	State Committee of Psychologists		24 MoReg 2140		
4 CSR 235-4.030	State Committee of Psychologists		24 MoReg 2141		
4 CSR 240-2.010	Public Service Commission		24 MoReg 2318R		
			24 MoReg 2318		
4 CSR 240-2.015	Public Service Commission		24 MoReg 2319		
4 CSR 240-2.020	Public Service Commission		24 MoReg 2142		
4 CSR 240-2.030	Public Service Commission		24 MoReg 2142		
4 CSR 240-2.040	Public Service Commission		24 MoReg 2320R		
			24 MoReg 2320		
4 CSR 240-2.050	Public Service Commission		24 MoReg 2320R		
			24 MoReg 2321		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 240-2.060	Public Service Commission .....		24 MoReg 2321R		
			24 MoReg 2321		
4 CSR 240-2.065	Public Service Commission .....		24 MoReg 2324R		
			24 MoReg 2324		
4 CSR 240-2.070	Public Service Commission .....		24 MoReg 2325R		
			24 MoReg 2325		
4 CSR 240-2.075	Public Service Commission .....		24 MoReg 2326R		
			24 MoReg 2326		
4 CSR 240-2.080	Public Service Commission .....		24 MoReg 2327R		
			24 MoReg 2327		
4 CSR 240-2.085	Public Service Commission .....		24 MoReg 2328		
4 CSR 240-2.090	Public Service Commission .....		24 MoReg 2329R		
			24 MoReg 2329		
4 CSR 240-2.100	Public Service Commission .....		24 MoReg 2330R		
			24 MoReg 2330		
4 CSR 240-2.110	Public Service Commission .....		24 MoReg 2330R		
			24 MoReg 2331		
4 CSR 240-2.115	Public Service Commission .....		24 MoReg 2331R		
			24 MoReg 2332		
4 CSR 240-2.116	Public Service Commission .....		24 MoReg 2332R		
			24 MoReg 2332		
4 CSR 240-2.120	Public Service Commission .....		24 MoReg 2333R		
			24 MoReg 2333		
4 CSR 240-2.125	Public Service Commission .....		24 MoReg 2333R		
			24 MoReg 2333		
4 CSR 240-2.130	Public Service Commission .....		24 MoReg 2334R		
			24 MoReg 2334		
4 CSR 240-2.140	Public Service Commission .....		24 MoReg 2336R		
			24 MoReg 2336		
4 CSR 240-2.150	Public Service Commission .....		24 MoReg 2336R		
			24 MoReg 2336		
4 CSR 240-2.160	Public Service Commission .....		24 MoReg 2337R		
			24 MoReg 2337		
4 CSR 240-2.170	Public Service Commission .....		24 MoReg 2338R		
4 CSR 240-2.180	Public Service Commission .....		24 MoReg 2338R		
			24 MoReg 2338		
4 CSR 240-2.200	Public Service Commission .....		24 MoReg 2339R		
			24 MoReg 2339		
4 CSR 240-18.010	Public Service Commission .....		24 MoReg 2340		
4 CSR 240-20.015	Public Service Commission .....		24 MoReg 1340		
4 CSR 240-20.017	Public Service Commission .....		24 MoReg 281	24 MoReg 1680	
4 CSR 240-32.110	Public Service Commission .....		24 MoReg 2341		
4 CSR 240-32.120	Public Service Commission .....		24 MoReg 2344		
4 CSR 240-33.010	Public Service Commission .....		24 MoReg 2347R		
			24 MoReg 2347		
4 CSR 240-33.020	Public Service Commission .....		24 MoReg 2347R		
			24 MoReg 2348		
4 CSR 240-33.040	Public Service Commission .....		24 MoReg 2351R		
			24 MoReg 2351		
4 CSR 240-33.050	Public Service Commission .....		24 MoReg 2355R		
			24 MoReg 2355		
4 CSR 240-33.060	Public Service Commission .....		24 MoReg 2359R		
			24 MoReg 2359		
4 CSR 240-33.070	Public Service Commission .....		24 MoReg 2362R		
			24 MoReg 2362		
4 CSR 240-33.080	Public Service Commission .....		24 MoReg 2367R		
			24 MoReg 2367		
4 CSR 240-33.090	Public Service Commission .....		24 MoReg 2371R		
			24 MoReg 2371		
4 CSR 240-33.100	Public Service Commission .....		24 MoReg 2371R		
			24 MoReg 2372		
4 CSR 240-33.110	Public Service Commission .....		24 MoReg 2372R		
			24 MoReg 2372		
4 CSR 240-33.120	Public Service Commission .....		24 MoReg 2373		
4 CSR 240-33.130	Public Service Commission .....		24 MoReg 2376		
4 CSR 240-33.140	Public Service Commission .....		24 MoReg 2376		
4 CSR 240-33.150	Public Service Commission .....	23 MoReg 291I			
		24 MoReg 1719	24 MoReg 1842	.....This Issue	24 MoReg 1759
4 CSR 240-40.015	Public Service Commission .....		24 MoReg 1346		
4 CSR 240-40.016	Public Service Commission .....		24 MoReg 1352		
4 CSR 240-80.015	Public Service Commission .....		24 MoReg 1359		
4 CSR 245-4.020	Real Estate Appraisers .....		24 MoReg 1846		
4 CSR 245-4.050	Real Estate Appraisers .....		24 MoReg 1846		
4 CSR 245-5.010	Real Estate Appraisers .....		24 MoReg 1847		
4 CSR 245-5.020	Real Estate Appraisers .....		24 MoReg 1848		
4 CSR 245-8.010	Real Estate Appraisers .....		24 MoReg 1848		
4 CSR 245-8.040	Real Estate Appraisers .....		24 MoReg 1849		
4 CSR 263-3.140	Licensed Clinical Social Workers .....		24 MoReg 2143		
4 CSR 265-10.025	Division of Motor Carrier and Railroad Safety .....		24 MoReg 2203		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
<b>DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION</b>					
5 CSR 50-270.050	Division of Instruction .....		24 MoReg 877		
5 CSR 50-321.010	Division of Instruction .....		24 MoReg 1365	24 MoReg 2511	
5 CSR 80-800.290	Urban and Teacher Education .....	24 MoReg 2123	24 MoReg 2143		
<b>DEPARTMENT OF HIGHER EDUCATION</b>					
6 CSR 10-2.100	Commissioner of Higher Education .....		24 MoReg 1650		
<b>DEPARTMENT OF TRANSPORTATION</b>					
7 CSR 10-2.010	Highways and Transportation Commission .....		24 MoReg 1367R		
	.....		24 MoReg 1367		
7 CSR 10-6.010	Highways and Transportation Commission .....		24 MoReg 765		
	.....		24 MoReg 2377		
7 CSR 10-6.015	Highways and Transportation Commission .....		24 MoReg 766		
	.....		24 MoReg 2378		
7 CSR 10-6.040	Highways and Transportation Commission .....		24 MoReg 767		
	.....		24 MoReg 2379		
7 CSR 10-6.050	Highways and Transportation Commission .....		24 MoReg 768		
	.....		24 MoReg 2381		
7 CSR 10-6.060	Highways and Transportation Commission .....		24 MoReg 769		
	.....		24 MoReg 2381		
7 CSR 10-6.070	Highways and Transportation Commission .....		24 MoReg 770		
	.....		24 MoReg 2382		
7 CSR 10-6.085	Highways and Transportation Commission .....		24 MoReg 773		
	.....		24 MoReg 2385		
7 CSR 10-19.020	Highways and Transportation Commission .....		22 MoReg 1226		
7 CSR 10-19.030	Highways and Transportation Commission .....		22 MoReg 1229		
<b>DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS</b>					
8 CSR 40-2.010	State Board of Mediation .....		24 MoReg 1507	24 MoReg 2511	
8 CSR 40-2.020	State Board of Mediation .....		24 MoReg 1508	24 MoReg 2511	
8 CSR 40-2.030	State Board of Mediation .....		24 MoReg 1508	24 MoReg 2511	
8 CSR 40-2.040	State Board of Mediation .....		24 MoReg 1509	24 MoReg 2511	
8 CSR 40-2.050	State Board of Mediation .....		24 MoReg 1509	24 MoReg 2511	
8 CSR 40-2.055	State Board of Mediation .....		24 MoReg 1509	24 MoReg 2512	
8 CSR 40-2.070	State Board of Mediation .....		24 MoReg 1510	24 MoReg 2512	
8 CSR 40-2.100	State Board of Mediation .....		24 MoReg 1510	24 MoReg 2512	
8 CSR 40-2.110	State Board of Mediation .....		24 MoReg 1510	24 MoReg 2512	
8 CSR 40-2.120	State Board of Mediation .....		24 MoReg 1511	24 MoReg 2512	
8 CSR 40-2.130	State Board of Mediation .....		24 MoReg 1511	24 MoReg 2512	
8 CSR 40-2.150	State Board of Mediation .....		24 MoReg 1511	24 MoReg 2513	
8 CSR 40-2.160	State Board of Mediation .....		24 MoReg 1512	24 MoReg 2513	
8 CSR 40-2.170	State Board of Mediation .....		24 MoReg 1512	24 MoReg 2513	
8 CSR 40-2.180	State Board of Mediation .....		24 MoReg 1513	24 MoReg 2513	
8 CSR 50-6.010	Workers' Compensation .....		24 MoReg 1049	24 MoReg 2161	
8 CSR 60-3.040	Commission on Human Rights .....	This Issue	This Issue		
<b>DEPARTMENT OF MENTAL HEALTH</b>					
9 CSR 25-4.040	Fiscal Management .....		24 MoReg 2386		
9 CSR 30-4.030	Certification Standards .....	24 MoReg 2191	24 MoReg 2215		
9 CSR 30-4.034	Certification Standards .....	24 MoReg 2193	24 MoReg 2216		
9 CSR 30-4.035	Certification Standards .....	24 MoReg 2194	24 MoReg 2217		
9 CSR 30-4.039	Certification Standards .....	24 MoReg 2195	24 MoReg 2219		
9 CSR 30-4.042	Certification Standards .....	24 MoReg 2197	24 MoReg 2220		
9 CSR 30-4.043	Certification Standards .....	24 MoReg 2199	24 MoReg 2222		
9 CSR 45-5.040	Mental Retardation and Developmental Disabilities .....		24 MoReg 2389		
<b>DEPARTMENT OF NATURAL RESOURCES</b>					
10 CSR	.....			24 MoReg 1693	
10 CSR 10-2.010	Air Conservation Commission .....			24 MoReg 420	
10 CSR 10-2.060	Air Conservation Commission .....		This IssueR		
10 CSR 10-3.080	Air Conservation Commission .....		This IssueR		
10 CSR 10-4.060	Air Conservation Commission .....		This IssueR		
10 CSR 10-5.070	Air Conservation Commission .....		24 MoReg 2224		
10 CSR 10-5.090	Air Conservation Commission .....		This IssueR		
10 CSR 10-5.295	Air Conservation Commission .....		24 MoReg 2001		
10 CSR 10-5.380	Air Conservation Commission .....		24 MoReg 1513		
10 CSR 10-5.446	Air Conservation Commission .....		24 MoReg 19		
10 CSR 10-5.500	Air Conservation Commission .....		24 MoReg 2007		
10 CSR 10-5.510	Air Conservation Commission .....		24 MoReg 2012		
10 CSR 10-5.520	Air Conservation Commission .....		24 MoReg 2020		
10 CSR 10-5.530	Air Conservation Commission .....		24 MoReg 2025		
10 CSR 10-5.540	Air Conservation Commission .....		24 MoReg 2034		
10 CSR 10-5.550	Air Conservation Commission .....		24 MoReg 2041		
10 CSR 10-6.060	Air Conservation Commission .....		24 MoReg 1208	24 MoReg 2513	
10 CSR 10-6.070	Air Conservation Commission .....		24 MoReg 957	24 MoReg 2239	
	.....		24 MoReg 2226		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
10 CSR 10-6.075	Air Conservation Commission.....		24 MoReg 958 .....	24 MoReg 2240	
			24 MoReg 2226		
10 CSR 10-6.080	Air Conservation Commission.....		24 MoReg 959 .....	24 MoReg 2240	
			24 MoReg 2230		
10 CSR 10-6.110	Air Conservation Commission.....		24 MoReg 1520		
10 CSR 10-6.170	Air Conservation Commission.....		22 MoReg 2129		
10 CSR 10-6.220	Air Conservation Commission.....		24 MoReg 1054 .....	24 MoReg 2516	
10 CSR 10-6.230	Air Conservation Commission.....		24 MoReg 1215R .....	24 MoReg 2520R	
			24 MoReg 1215 .....	24 MoReg 2520	
10 CSR 20-3.010	Clean Water Commission.....		24 MoReg 1225R		
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13 CSR 70-10.050	Pediatric Nursing Care Plan . . . . .	March 29, 2000
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15 CSR 50-4.020	Missouri Higher Education Savings Board . . . . .	March 11, 2000
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19 CSR 30-40.303	Medical Director Required for All: Ambulance Services and—Emergency Medical Response Agencies that Provide Advanced Life Support Services, Basic Life Support Services Utilizing Medications or Providing Assistance With Patients' Medications, or Basic Life Support Services Performing Invasive Procedures Including Invasive Airway Procedures; Dispatch Agencies Providing Prearrival Medical Instructions; and EMS Training Entities . . . . .	February 3, 2000
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19 CSR 30-70.110	Definitions and Abbreviation for Lead Abatement and Assessment Licensing . . . . .	February 25, 2000
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19 CSR 30-70.140	Application Process and Requirements for the Licensure of Risk Assessors . . . . .	February 25, 2000
19 CSR 30-70.150	Application Process and Requirements for the Licensure of Lead Abatement Workers . . . . .	February 25, 2000
19 CSR 30-70.160	Application Process and Requirements for the Licensure of Lead Abatement Supervisors . . . . .	February 25, 2000
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